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(QUEEN OF ENGLAND.)

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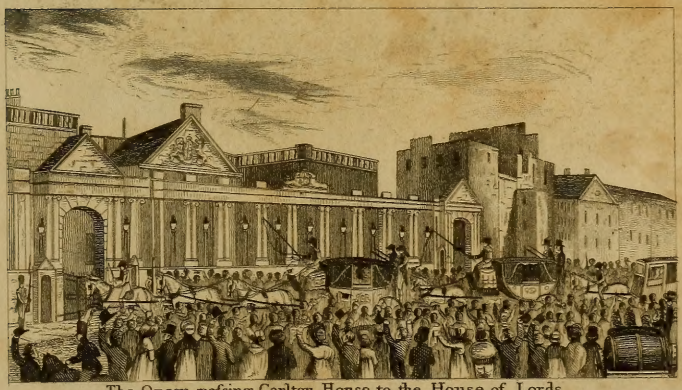
London, Published by Thos. Kelly 17, Paternoster Row, July 29 1820.

THE TRIAL of the QUEEN OF ENGLAND,

In the House of Lords.

1820.

Vol. 1.



The Queen passing Carlton House to the House of Lords.

LONDON,

Printed for Thos. Kelly, 17, *Paternoster Row, March* 27,

1821.

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OF

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THE

TRIAL AT LARGE

OF HER MAJESTY

CAROLINE AMELIA ELIZABETH,

Queen of Great Britain;

IN THE HOUSE OF LORDS,

ON

CHARGES OF ADULTEROUS INTERCOURSE;

CONTAINING

A FULL AND ACCURATE DETAIL OF THE EVIDENCE OF THE WITNESSES, THE SPEECHES OF COUNSEL, AND ALL OTHER PROCEEDINGS IN THIS EXTRAORDINARY TRIAL.

THE EXAMINATION OF THE WITNESSES, AND THE DOCUMENTARY TESTIMONY,

PRINTED VERBATIM FROM THE

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CONTAINING THE EVIDENCE IN SUPPORT OF THE CHARGES.

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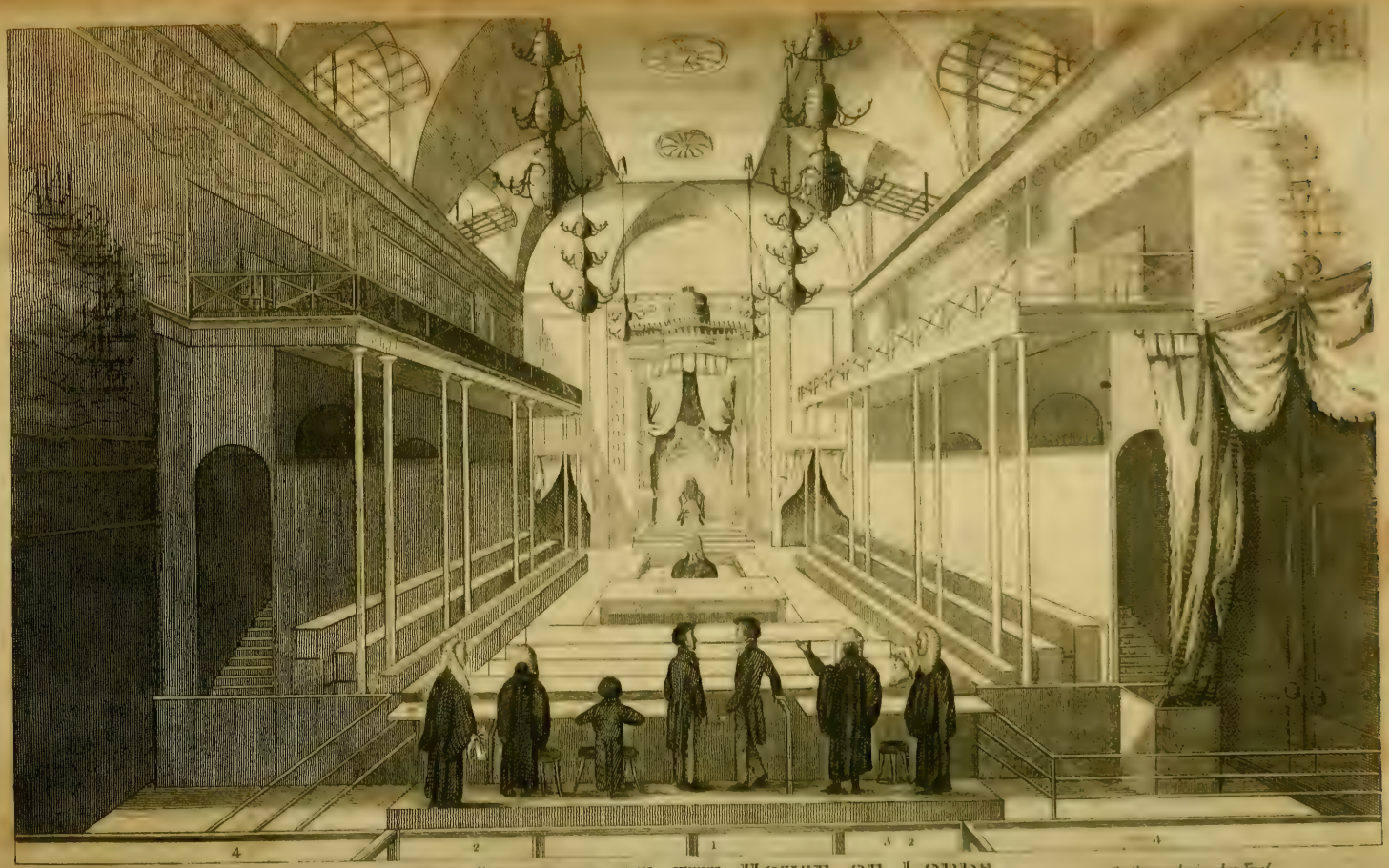
Page 3, line 1, for the bill was read a second time, read the order of the day, &c.
—— 69, — 32, for sat, read set.
—— 88, for p. 86, substitute 113, at which the list of the minority ought to be placed.
—— 156, line 30, in Note, *dele* at the time.
For Majocchi, read Majoochi throughout the work.



THE INTERIOR OF THE HOUSE OF LORDS.

1 *Witness & Interpreter.*
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3 *Queen during her Trial*
4 *New Galleries*

THE

TRIAL OF QUEEN CAROLINE,

ON CHARGES

OF

ADULTEROUS INTERCOURSE,

&c. &c. &c.

FIRST DAY,—THURSDAY, AUGUST 17th, 1820.

THE House of Peers, in pursuance of a previous order, assembled, in their legislative-judicial capacity, on Thursday, the 17th of August, 1820, to resume their proceedings on the Bill of Pains and Penalties against her majesty the queen.

The lord high chancellor of England, as speaker of the house, arrived, and took his seat upon the woolsack at half-past eight o'clock.

The lord bishop of Landaff, as the junior bishop, then read prayers.

As ten o'clock approached, the peers arrived in considerable numbers. The lord chief justice of the king's bench, the lord chief justice of the common pleas, the lord chief baron of the exchequer, and other of the venerable judges who had arrived in town from their circuits, took their seats on the right and left of the lord chancellor.

At ten o'clock precisely, the order of the house was read for calling over the names of the peers. Several noble lords were excused on various grounds, such as minority, age, indisposition, domestic calamity, absence in foreign countries, &c. The three Roman Catholic peers, the Duke of Norfolk, the Earl of Shrewsbury, and Lord Petre, were ex-

empted from the call and the consequent penalties, on account of their religion. The Duke of Sussex obtained permission of absence on the ties of consanguinity which existed between him and the parties so intimately connected with the bill.

The Duke of York rose, and said, if any person, on a variety of grounds, had stronger claims than another to request leave of absence upon this occasion, he was that individual. He would, not, however, suffer any private feelings to deter him from doing his duty, painful as it might be.

The Duke of Cambridge was excused, being appointed his majesty's viceroy for the kingdom of Hanover.

During the calling over of the names of the peers, the shouts of the people in Palace-yard announced the arrival of the queen. In a short time she entered by the passage leading from the robing-room, which is situated on the left hand of the throne. Her majesty was accompanied by lady Ann Hamilton, who, with lord Archibald Hamilton, stood close to her during the whole of the day. She was seated in an arm-chair on the left of the throne, and within the space allotted to the members of the House of Commons. On her entrance all the peers rose to receive her; she testified her feelings by a graceful obeisance, and, though evidently much affected by the novel scene to which she was introduced, took her seat with becoming grace and dignity. She was dressed in black sarsnet, very richly trimmed with lace; a large white veil partially concealed her features, and, falling in a tasteful drapery on her bosom, rendered her figure when she rose from her chair, not merely interesting, but highly commanding.

The preliminary business having been gone through,—

The Earl of Liverpool moved, that the order of the day for the second reading of the Bill of Pains and Penalties be now read.

The Duke of Leinster, in conformity to his notice on a former day, rose to oppose the measure, and moved, "that the said order be now rescinded."

On a division the motion was negatived, there being contents 41, and non-contents 206.

The bill, of which the subjoined is a copy, was then read second time.

BILL to deprive Her Majesty CAROLINE AMELIA ELIZABETH *of the Title, Prerogatives, Rights, Privileges, and Pretensions of Queen Consort of this Realm, and to dissolve the Marriage between His Majesty and the said Queen.*

WHEREAS in the year one thousand eight hundred and fourteen, her Majesty, Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomo Pergami, otherwise Bartolomo Bergami, a foreigner of low station, who had before served in a similar capacity:

And whereas, after the said Bartolomo Pergami, otherwise Bartolomo Bergami, had so entered the service of her royal highness the said princess of Wales, a most unbecoming and degrading intimacy commenced between her royal highness and the said Bartolomo Pergami, otherwise Bartolomo Bergami:

And whereas her royal highness not only advanced the said Bartolomo Pergami, otherwise Bartolomo Bergami, to a high situation in her royal highness's household, and received into her service many of his near relations, some of them in inferior, and others in high and confidential situations about her royal highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, obtained for him orders of knighthood, and titles of honour, and conferred upon him a pretended order of knighthood, which her royal highness had taken upon herself to institute without any just and lawful authority:

And whereas her said royal highness, whilst the said Bartolomo Pergami, otherwise Bartolomo Bergami, was in her said service, further unmindful of her exalted rank and station, and of her duty to your majesty, and wholly regardless of her own honour and character, conducted herself towards the said Bartolomo Pergami, otherwise Bartolomo Bergami, and in other respects, both in public and private, in the various places and countries which her royal highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said Bartolomo Pergami, otherwise Bartolomo Bergami, which continued for a long period of time during her royal highness's residence abroad, by which conduct of her said royal highness, great scandal and dishonour have been brought upon your majesty's family and this kingdom;

Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said majesty, by which she has violated the duty she owed to your majesty, and has rendered herself unworthy of the exalted rank and station of queen consort of this realm, and to evince our just regard for the dignity of

the crown, and the honour of this nation, we, your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal and Commons in Parliament assembled, do hereby entreat your majesty, that it may be enacted;

And be it enacted, by the king's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that her said majesty Caroline Amelia Elizabeth, from and after the passing of this Act, shall be and is hereby deprived of the title of queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as queen consort of this realm; and that her said majesty shall, from and after the passing of this Act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them; and m cover, that the marriage between his majesty and the said Caroline Amelia Elizabeth be and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void to all intents, constructions, and purposes whatsoever.

An animated discussion arose on the motion of the earl of Liverpool, "that counsel be called in, and heard in support of the preamble of the bill.

The inexpediency and mischievous tendency of the measure was forcibly urged; and it was clear, said a noble lord, that the House of Commons participated in this feeling, since they had declared, that, which ever way the question should be decided, the proceeding would be "injurious to the best interests of the empire."

Some noble lords, entertaining a doubt, whether the alleged adulterous intercourse being effected abroad, and with a foreigner, did not exempt the queen from the operation of the statute of Edward III., and place her in the situation of a principal in the second degree, the following question was, on the motion of earl Grey, ordered to be put to the judges—namely,

"Whether, if a foreigner, owing no allegiance to the crown, in a foreign country, violates the wife of the king, or of his eldest son, and she consents to such violation, she thereby commits high treason, within the meaning and the true construction of the statute 25th of Edward III.?"

The question was taken in writing at the table, and delivered to the judges who retired to an ante-room, and after a lapse

of about twenty minutes the judges returned to the house, when

The LORD CHIEF-JUSTICE delivered their united opinion to the following effect :—" The judges have conferred together upon the question proposed to them by the house, whether, if a foreigner, owing no allegiance to the crown of England, violates, in a foreign country, the wife of the king's eldest son, and she consents thereto, she commits high treason, within the meaning of the act of the 25th Edward III.? And we are of opinion that such an individual, under such circumstances, *does not* commit high treason, within the meaning of that act." This opinion, his lordship continued, was grounded upon the language of that statute of Edward III. which declared it to be treason for any man to violate the wife of the king, the wife of the king's eldest son, &c.; the judges holding that, unless there were a man who could be legally charged with such a violation,—the charge being that he did the act against his allegiance,—it could not be said that treason had been committed. An act done by a foreigner, therefore, owing no allegiance to the crown, could not amount to that crime.

The question that counsel be called in was then put, and carried, when the folding doors behind the bar were thrown open, and Mr. Brougham, the Queen's Attorney-General, Mr. Denman, the Queen's Solicitor-General, Dr. Lushington, a civilian from Doctor's-commons, and Messrs. Williams, Tindal, and Wild, common law counsel, followed by Mr. Vizard, the Queen's Solicitor, appeared on behalf of her majesty. A moment after, the King's Attorney and Solicitor-General, the King's Advocate, Dr. Adam, and Mr. Park, entered by the door commonly appropriated to strangers: they were attended by the Solicitor to the Treasury, and by Mr. Powell, who attended the Milan commission. As soon as the counsel presented themselves at the bar,

The Duke of HAMILTON requested to know by what authority the Attorney-General stood in that place?—on whose part he appeared?—and by whom he had been instructed to appear?

The ATTORNEY-GENERAL said, he attended in consequence of an order of their lordships, which had been served upon him by the Gentleman Usher of the Black Rod—an order by which it was declared that the house would allow counsel to be heard before the second reading of the bill. In obedience to that order, he had considered it his duty either to appear personally, or to depute some other counsel to appear, in support of the bill, and to produce the evidence which was to be laid before the house.

The Duke of HAMILTON begged to repeat his second question, By whom had the Attorney-General been instructed to appear upon the present occasion? He wished to know from whom that gentleman's instructions had proceeded.

The ATTORNEY-GENERAL, as he had already taken the liberty to state to the house, had considered himself bound to appear by the order of their lordships, or to depute other counsel in his stead. In consequence of that order, by which he was required to produce witnesses in support of the bill, he had taken that which appeared to him to be the course immediately open,—he had applied for information to those sources from which he thought it most likely to be obtained. He had understood that information upon the subject had been communicated to the secretary of state for the home department, and had accordingly applied to that department.

The Duke of HAMILTON apprehended, from the answer of the Attorney-General, that that gentleman had received his instructions from the secretary of state for the home department.

Lord HOLLAND said, he understood the Attorney-General to say, that he attended in consequence of an order from the house.

The Earl of LIVERPOOL understood that the Attorney-General appeared in consequence of an order received from the house. He had taken those steps which to him seemed best for the purpose of obtaining information. He had applied for information to the secretary of state for the home department, and with that, and such other information as had been obtained, he now appeared for the purpose of opening the case.

The Duke of HAMILTON acquiesced in the explanation of Lord Liverpool.

Mr. BROUGHAM professed himself unwilling even to encounter the risk of interrupting any discussion upon which their lordships might be disposed to enter, or to offer any opinion of his own as to the course which it might be most expedient to pursue. As, however, the King's Attorney-General attended here, in what manner, or under what character, did not appear, further than that he conceived himself bound to attend by an order of their lordships' house; and as he himself appeared in the distinct and avowed capacity of counsel for the queen, and under their lordships express permission to to that effect, he begged leave to submit to them one or two observations. When he had last the honour of addressing them on this subject, they had deemed it proper to defer the consideration of certain arguments which he then tendered to a future stage of the proceeding. This order was made on the 6th of July, and her majesty's counsel were informed, that at that period they must confine themselves to a discussion of the form of proceeding, and to observations on the time of its adoption. He had then expressed his deep regret that more latitude of observation was not permitted; but that latitude, he had understood their lordships to be pleased to say, was yet in store for him, and that he should have an opportunity of enjoying it when the bill arrived at its second reading. He humbly conceived that the time was now come, when, under the authority of their lordships themselves, he was free to state his objections to the principle of the bill. It appeared to him that, before any evidence was received, and laying entirely out of view the truth or falsehood of the allegations which it contained, he had now a right to contend against the measure, both as impolitic and unjust. Admitting, for the sake of argument, that all those allegations were true (not one of which, he was prepared to re-assert, had the slightest colour or foundation), but making the admission with a full conviction that neither the sagacity nor knowledge of their lordships would allow them to misinterpret it, still he had to de-

mur, still to object, for powerful reasons, to the further progress of this measure. His objections were of a nature and kind not to be weakened or interfered with by any proof of the facts which constituted the foundation of this proceeding. If this were an ordinary case, that proceeding would probably be borne out by precedents—by former cases decided on similar grounds; but he knew of no instance in which their lordships had adopted a course similar to the present. In the case of the duke and duchess of Norfolk, in the year 1692, the duchess, on the 8th of January, petitioned the house, stating, not that she was apprized by the orders of the house, or that she had been served with any notice, that a bill against her had been offered by her husband, the duke, but simply that she was informed there was such a bill in existence, and praying therefore to be heard by counsel against its introduction. The house, on that occasion, resolved that her grace should have the opportunity of being heard by counsel against the bill before it was received, and that her counsel should be permitted to urge arguments against its reception. He, however, was not now applying to their lordships for any such permission: he had found it impracticable to obtain a similar indulgence, and had been put down with something like scorn when he entreated the extension of it, on behalf of his illustrious client, to the case before them. It was even asserted, that to hear counsel against the first reading of a bill was a thing unknown in the history of parliamentary proceedings: and, in point of fact, her majesty's counsel were precluded from stating any objections to the measure at that stage of its progress. The duchess of Norfolk was heard against the first reading, and over and over again on the second reading, both as to the principle of the bill, and to the evidence by which it had been supported. If he could be sure that he was not fatiguing the attention of the house, he might allude to other cases, where the same advantage had been allowed to the party against whom a remedy was sought. He might for this purpose refer to the cases of Knight and Burkit, in May, 1692, and of Lord Anglesea, in February, 1700, both cases of divorces to be

HENRY BROUGHAM ESQ.R M.P.

Her Majesty's Attorney General.

London, Published by Thos. Kelly, *17, Paternoster Row, July 29, 1820.*

found on their lordship's journals. These references might seem to impeach the accuracy of the decision pronounced by their lordships on a late occasion, but he was confident that if they had occurred to their lordships' minds, that decision would have been in conformity to them. It appeared, too, that in these cases, lists of witnesses were furnished; but he should be told perhaps that these were instances of divorce merely, and that they were not bills of pains and penalties. He now therefore humbly prayed to be allowed—if not as a matter of right and justice, as matter of indulgence—to be heard against the principle of the bill in this present stage of its progress.

Counsel were then ordered to withdraw, but retired only a few steps from the bar.

After a short conversation among their lordships, as to the time and mode of proceeding, it was communicated to the counsel for the queen that they were at liberty to urge their objections to the principle of the bill, either at that time, or after the evidence was concluded.

Mr. Brougham commenced his general address to their lordships against any further proceeding with the bill of pains and penalties on the Queen. He understood that, if he were now heard against the principle of the bill under consideration, he was to be precluded from taking the same ground at any future stage of this proceeding, and that he must afterwards be confined to the truth or falsehood of the evidence adduced. His election would be made without hesitation, and he should then avail himself of the opportunity afforded on the terms with which it was accompanied. He did this with the greater confidence and satisfaction, because he felt assured that, if the interests of justice should require it, their lordships would revise those terms, and furnish him with all the means necessary for a full defence. The first objection, then, which he had to urge was, that the bill was a private law, introduced in a particular case for the punishment of an individual. It was a mode of proceeding known unhappily in the jurisprudence of all countries, but never resorted to in any country, nor in the worst of times, without producing a deep sense of it hate-

ful consequences, and its utter repugnance to every sound principle of jurisprudence. Such laws were sometimes passed in the earlier periods of the Roman history, and were denominated *privilegia*. They were divided into two classes,—one consisting of laws passed against, and the other of laws passed in favour of, individuals. The great Roman jurisconsults, however, who well knew the value of their expressions, as well as of the principles which they established, had called all such laws *privilegia odiosa*, thereby indicating to after-times that they ought never to be resorted to except in cases of absolute necessity.

"He would not say that all those whom the great masters of ancient jurisprudence served had governed their conduct by that principle. On the contrary, he was well aware that no blacker proceedings were to be found than some of these *privilegia odiosa*. Another objection to the present bill was, that it was an *ex-post facto* law; it suffered a deed to be done, and afterwards pronounced upon its innocence or its guilt. Without notice or warning, it laid hold of a party, and inflicted punishment with the same severity as if the supposed crime had been distinctly defined, and the punishment denounced. It would be childish pedantry to trace the history of past ages merely to shew the horror with which all good and wise governments had regarded proceedings of this description; the fact was, that some, not the wisest nor the best, had yet sagacity and honesty enough to abstain from such evident injustice, and started back at the bare thought of plunging into such courses. Suffice it to say that our own history afforded ample testimony of these observations. Even in the worst periods of that history, the story of such enactments was generally followed by the story of their being rescinded. The worse the times from which he drew his examples, the more applicable they were to his present argument. The bills passed against Mortimer and others, at the commencement of Edward's III.'s reign, were afterwards rescinded, as was also the case with most of those passed during the reign of Richard III. The succeeding age was almost sure to regard them as

measures adopted to serve a temporary purpose. He did not think it necessary, at this stage of the proceeding, to make any reference to the reign of Henry VIII., and he should therefore pass over the whole history of that barbarous and detested prince,—detestable alike for his spoliations of property, and his cruelty to his family; but still more detestable for his violation of the dearest and most sacred charities. He should therefore take his stand upon what had passed under milder reigns, and the case of Lord Strafford, under Charles I., would be sufficient for his argument. He considered the bill of attainder passed against that nobleman as the greatest disgrace that ever sullied the purity of either house of parliament. Had the impeachment been persevered in, the proceeding would have had the semblance of a judicial inquiry.

"It would have been *quasi* judicial, although the principles of justice would even then have been violated while its forms were half observed. But he now alluded to the bill of attainder, and desired to remind their lordships of the sense entertained of it by their ancestors, and by that country of which they were the ornament. He would read to them the recorded sentiments of those ancestors, because no language of his could make so deep an impression as this was calculated to make on the hearts and understandings of all men. After stating that, under various pretexts, the turbulent party, hostile to Lord Strafford, seeing no mode of obtaining their object by any ordinary procedure, had resolved to effect that nobleman's destruction, (meaning not only his bodily destruction, but that of his character,) and, therefore, purposely murdered him. The bill reversing the attainder enacted that all records and copies of proceedings relative to that attainder should be wholly cancelled, defaced, and obliterated, in order that they might not be visible in after-ages, or brought into precedent to the prejudice of any person whatsoever. The present bill, substituting for death deprivation of rank the most illustrious, removal from a station the most exalted, and the loss of privileges the most esteemed amongst women,—aye, and what was yet dearer, the ruin of her character and happiness,—belonged strictly and

technically to that class of enactments which their lordships' predecessors had thus characterized. When that part of the bill which provided for destroying the records was omitted, the omission was made out of a still greater hatred of the proceeding, and with a view of keeping it as a land-mark of what it was most important and necessary to avoid in future. He had thus stated his general objections to all bills of this nature, and he had now to address himself to the one immediately before them. He should form but an inadequate approximation to the understanding of this libel, if he believed it to be only like other bills of pains and penalties, for he would venture to say that the worst of those bills was (not excepting even those relating to the wives of Henry VIII.) was, when compared with the present, a regular, consistent, and judicial proceeding. In the first instance, he assumed that nothing illegal could be laid to her majesty's charge. He was bound to assume this by the decision of the judges, and indeed from the very face of the proceeding. If there was any possibility of proceeding at law, their lordships could not entertain this bill for a single moment; but, because nothing illegal had been done, they were asked to proceed in this manner. It did not, however, follow that a judicial investigation might not take place. Impeachment was a remedy for cases not cognizable by the ordinary jurisdictions The house of commons might impeach for whatever was indictable, but they might also impeach in cases where no indictment could be found. He submitted, therefore, that some satisfactory reason ought to be stated why impeachment was not resorted to in this instance. An impeachment was pending in Lord Strafford's case, when his enemies, finding that it was not likely to answer their purpose, had recourse to a bill of attainder. He felt himself justified in assuming that some considerations of the same kind had led to the present extraordinary measure. Was the case such, that no house of commons could be expected to pass a vote upon it? or was the evidence so lame and defective, that no committee would recommend any proceedings in relation to it? Why had they not confidently trusted to that house, and taken their papers and their wit-

nesses where an impeachment might be founded upon them, and when their lordships would have to administer justice in the regular and established form?

"Her majesty was deprived of many advantages by this adoption of a different course. In the other case, she would have been furnished with some specification of the charges, or, at least, they would have been set forth with more peculiarity of detail, as to the various points of the accusation. Perhaps also a list of witnesses could not then have been withheld, and, in a word, the queen would have had all the advantages of a real judicial proceeding. Now he would not say that the present measure might not be carried on in the spirit of justice, but in every other respect it was as unlike a just measure as any to be found recorded in the annals of parliament. When a body of men were assembled, and engaged in conducting a measure in the manner usual in legislation, it was not to be marvelled at that a party should prefer the same men sitting in a judicial character, and deciding upon their honour, to their proceeding in a legislative way amidst conflicting opinions, after repeated separation, and without any of the forms of an ordinary court of justice. But the charge here, as he had already said, was not any illegal act, and the whole proceeding was legislative, and not judicial. He was, therefore, let in to discuss the expediency, as well as the justice of this prosecution.

"He was at liberty to contend that it was impolitic and mischievous, even if founded upon the most unquestionable testimony. The case of Lord Strafford, and the proceedings to which it led, as well as the protests of the virtuous minority who opposed the bill—all went to prove that such measures could only be justified in order either to save the state from ruin, or because justice had failed from some positive default in a court competent to administer it. With regard to precedents, he would refer only to that of Bishop Atterbury, the protest on which was signed by 30 noble lords, the lights and ornaments of the times in which they lived. It was drawn up by Lord Chancellor Cowper, and it resisted the measure, because

as the protest stated, 'nothing but absolute necessity to avoid pain, or a direct failure of justice, could authorize such a proceeding.' The burden of proof on the necessity of this bill being thrown on the other side, he would ask, where was that impelling and overruling necessity (he did not say, motive, for that might be guessed) which alone could prescribe and justify this measure? Was the succession or its purity endangered, or was there even a possibility of its being put in jeopardy?

"If her Majesty had been brought to trial under the statute of Edward III., he was quite ready to allow that he could not resist the unavoidable presumption of law, that the royal succession was endangered. It would be childish and senseless to argue against that presumption, which was made for general, and not particular cases.

"But here he stood upon a different ground; this case was an exception to all others, and he had a right to argue upon the fact, because there was no existing law to govern it. Here he was entitled to ask, Why proceed with this bill without necessity? Why attack the queen for acts which, if committed, could not endanger the succession? This was not a trial under any known law; and if the possibility of danger of this kind were established, he allowed that one of the preliminary objections to the bill had been removed. But he called upon its supporters to shew how the succession was endangered. If there were a chance that the succession might fail for want of heirs, some such change might be desirable; but it could not be contended that such a contingency was at all likely here to happen. It was said, that the exalted station of her majesty rendered her conduct an object of peculiar solicitude with her family, and that the legislature was bound to protect the honour of that family; that her majesty's conduct tended to degrade the throne on which she sat, and the nation over which she was placed; and it was contended, therefore, that the connexion existing between her and the nation must be broken, because her conduct would sully its purity. First of all, he might be permitted to ask, whether it had never struck their lordships that these charges all referred

to the conduct of her majesty before she became queen, when she had no royal dignity to support, when she had no immediate connexion with the diadem, and when she was only the wife of a subject, though filling the highest station in the realm? But see how this operated on another most important part of the question. If the queen had been brought before the house when Princess of Wales, and charged with offences alleged to be done in that capacity, could any man deny that a bill of divorce from her royal husband must have been the remedy, and that divorce could only be obtained on the ordinary terms? All the preliminary forms must have been observed: the party claiming the bill, must have come into the house by petition, and he would come in vain, if he did not enter it with clean hands. But here the promoters of this measure waited till the queen had lost her rank as Princess of Wales, and until that rank was almost forgotten; and then they said, because she is now queen we will proceed against her for offences alleged to have been committed when she was Princess of Wales; thus taking especial care not to take one step, while she possessed those rights, against her husband which every private wife enjoyed. He did not say that those rights were extinct, but some persons did assert it, and that was enough for his argument.

"Thus the question now was, not between man and wife, but between king and queen, and the promoters of this bill delayed till they thought at least she was deprived of one protection. Either, then, this bill must be dismissed for having been brought in too late, or there was not a shadow of justice in not giving her *nunc pro tunc*, as lawyers expressed it, the benefit of her situation as Princess of Wales. This brought him to implore their lordships to pause awhile on the threshold of this proceeding. I put out of view, (said Mr. Brougham,) "at present the question of recrimination: I raised it for the purpose of my argument, and I shall pursue it no further. I should be most deeply, and I may say with perfect truth unfeignedly afflicted, if, in the progress of this ill-omened question, the necessity were imposed upon me of mentioning it again; and

I should act directly in the teeth of the instructions of this illustrious woman [pointing to the queen who sat immediately below him,] I should disobey her solemn commands if I again used even the word recrimination without being driven to it by an absolute and overruling compulsion. In obedience to the same high command I lay out of view, as equally inconsistent with my own feelings and those of my client, all arguments of another description in which I might be tempted to show that levity or indiscretion, criminality, or even criminal intercourse, (for why should I be afraid to use the term?) cannot be held to be fatal to the character of the country, or to the honour and dignity of the illustrious family governing it. Here nothing is or has been proved; and is it because calumnies have been bruited and gossipped about—because such a jealous watch has been kept upon the queen abroad, that we are to think they are to have more force than conduct less equivocal at home? That argument, and every thing resulting from it, I willingly postpone till the day of necessity: and in the same way I dismiss for the present all other questions respecting the conduct or connexions of any parties previous to marriage. These I say not one word about; they are dangerous and tremendous questions, the consequences of discussing which, at the present moment, I will not even trust myself to describe. At present I hold them to be needless to the safety of my client; but when the necessity arrives, an advocate knows but one duty, and, cost what it may, he must discharge it. Be the consequences what they may, to any other persons, powers, principalities, dominions, or nations, an advocate is bound to do his duty; and I shall not fail to exert every means in my power to put a stop to this bill. But when I am told that a case of absolute necessity for the measure is made out because the queen has been guilty of improper familiarities, (though I must look at the bill itself for the nice distinctions and refined expressions found in it), because she has thought fit to raise from low situations, officers who had served other people in menial capacities—because she had treated them with unbecoming intimacy, because she had ad-

vanced them, and bestowed marks of favour and distinction upon them—because she had created an order, and conducted herself in public and private with offensive familiarity—I cannot help asking, if these matters are so fatal to the honour and dignity of the crown, nay, to the very peace of the nation (for what else can justify a bill like this?) why it is only resorted to at the present moment?

"The bill charges even a licentious, disgraceful, and adulterous intercourse, and therefore its supporters say it is absolutely necessary for the house to interpose. But I appeal to the house—for I am compelled to do so—whether this is not only untrue, but whether it is not known to be untrue. The bill itself speaks falsely, and I will tell you why I say so. Are we arrived in this age at that highest pitch of polish in society when we shall be afraid to call things by their proper names, yet shall not scruple to punish by express laws an offence in the weaker sex which has been passed over in the stronger? Have we indeed reached that stage? I trust I shall not hear it said in this place: I hope that spirit of justice which I believe pervades this house at large will prevent it. But if not, I will appeal to the spirit of holiness, and to the heads of the church now ranged before me, whether adultery is to be considered only a crime in woman. I make the same confident appeal, and to the same quarter, when I ask whether the crown can be dishonoured, the fame of the country tarnished, and the morals of the people put in jeopardy, if an adulterous intercourse (which no one ventures to call adultery) shall be proved against a lady, when that which I venture to call adultery, because the exalted individual himself has confessed it to be so, has actually been committed by a prince. It is with the utmost pain that I make this statement: it is wrung from me by hard compulsion: for there is not a man who acknowledges with a deeper sense of gratitude than I do all the obligations which this country and Europe owes to that illustrious individual. I say it not—God forbid I should—to visit harshly upon him any of the failings of our common nature, much less to alter in one iota my recorded sense of the

baseness of that conspiracy by which those failings were dragged before the public. I bring it forward because it is in truth an answer to this case.

"Why was no bill of degradation brought in, in 1809, after the resolution of the House of Commons, and a full confession on behalf of the party accused, that he had been guilty of 'most immoral and unbecoming conduct?' All this, I say, was well known to the authors of the present bill; for one of themselves penned the very words I have just read to the house. I ask, therefore, whether there is any possibility of replying to this objection, but in one short way—that all men may do all they please, however exalted their station, however intimately connected with the crown, and with the highest interests of the state; that their conduct is perfectly indifferent; but let the tooth of slander once fix upon a defenceless female of the family, who has been residing abroad, who has been allowed to expatriate herself, who has been assisted in removing from the country, and even cherished to keep away from it; then, at that instant, the venom must distil, and she must be persecuted and prosecuted, under the canting, hypocritical, and disgusting pretence, that the character of the country and the honour of the crown are at stake. Whether all of us, nearer to the object, do or do not see through the flimsy pretext, be assured that the good sense of the nation cannot be deceived, and that those at a distance will be both shocked and astonished. The people at large must look upon it as something too ridiculous to be examined: I myself can hardly use decorous terms in speaking of it, and they, in their homely language, will assert that it is an attempt to accomplish one purpose under the colour of another. 'Here is a man,' they will say, 'who wishes to get rid of his wife; he talks of the honour and safety of the country, yet its dearest interests, its peace, its morals, and its happiness are to be sacrificed to gratify his desires. The learned counsel then went on to challenge the other side to produce an instance on record where any marriage had been dissolved, excepting for adultery, and on the application of the injured party. The

standing orders of the house were express on this subject, and one of them even provided, that the husband himself should be examined, in order to shew that there was no collusion, and that he stood *rectus in curia*. If the house wished to know in what light marriage was regarded by the law of the land, (the bill showed in what light some people regarded adultery, or rather a crime not known to the law, called 'adulterous intercourse,') he could submit to them the opinions of the soundest lawyers, and he would appeal in an especial manner on this point to the guardians of the sanctity of that holy contract. He would content himself, however, with one of the latest authorities, one of the greatest consistorial judges, who had described it in language not more eloquent than just. He alluded to Sir William Scott, in the case of 'Dalrymple and Dalrymple,' in answer to some foolish objection, tending to underrate the marriage contract. 'Marriage is a contract,' he said, 'of natural law: it is the parent, not the child, of civil society. In civil society, it is true, it becomes a civil contract, endued with civil consequences; but, in most civilized countries, it has the sanction of religion superadded. It then becomes a religious as well as a civil contract; and it is a great mistake to suppose, that because it is a civil contract it is not a religious contract. Heaven itself is a party to it, and the consent of the individuals is pledged to each other, ratified and confirmed by a vow.' The house then was required by this bill to interpose a sacrilegious hand between those parties whom God had joined, and whom no man should sever: it was called upon to cut the holy knot; first, because the parties had disregarded its sacred obligation; and secondly, because the husband himself did not come forward to complain. For let it be observed, that this was the way in which it was put, in order to get rid of some of the stringent arguments against the bill. The king, it was asserted, was not concerned: he sent no counsel to the house; and the attorney-general, with his usual ingenuity, prevented its being wrung from him that the king was his client. It was no private bill; it was a state mea-

sure, justified by state necessity; and he had astutely avoided every thing that could show any other connexion than with the state. The attorney-general had said, that he was merely the organ of the house, and that he was desired to defend the bill for the sake of the public at large. He had accordingly sought for information and instruction, and for this purpose he found no place more convenient than the home department, and no person more anxious to aid him than the home secretary. He might have gone further and fared worse; and accordingly he made his appearance at the bar as counsel for nobody. Thus the king made no complaint, and the house was called upon to dissolve the marriage without the suggestion of either of the parties most interested. The whole, in fact was unprecedented, illegal, in opposition to all analogy, and in the teeth of the most sacred part of civil and ecclesiastical justice. Perhaps he might be allowed further to state, that the mode of proceeding afforded sufficient evidence to show that the story of degradation and dishonour was a mere pretence from beginning to end.

"The only way to judge of the sincerity of men's professions, was to look at their conduct: it was good and wholesome at all times and with all sorts of men; but at no time and with no sort of men more so than in our own, and with politicians such as the authors of this measure. One little action was worth more than a volume of writing, or a week of speaking; and had the conduct of ministers been such as to make the house believe that they credited one word of the preamble? As his learned friend disavowed all connexion with them, and as they presented the papers in which it originated, they must be looked upon as the authors of the bill; and had their actions been consistent with the allegations of the preamble? Who had encouraged the queen to go abroad? When that illustrious personage, worn out by all she had experienced in this country, naturally began to think repose a blessing, who had recommended that she should seek it on the Continent? Who had opposed the advice given by the friends of the queen, to which they had set their hands, and he (Mr. Brougham)

among them, that they would answer with their heads for her safety while in England, but that when abroad she would be surrounded by foreigners, spies, and informers? Who had counteracted this faithful suggestion? Who but those who were now arrayed against her, with a green bag of documentary evidence in the one hand, and this bill of degradation in the other? How happened it that they had never before thought of the character of the country, the honour of the royal family, and the dignity of the throne? Where was their boasted sagacity, when these evil counsellors could not foresee what might be the consequences of the step they were so earnestly recommending? Then there was no whisper of any thing of the sort; all was to be ease, tranquillity, and liberty, for the rest of her majesty's life: there was to be no watching, no prying, no spying, no asking 'why do you do so or so?' but all was to be kindness and toleration. With these promises, the next thing was to assist the queen to depart. The ship of war, which was refused to bring her back, had been readily granted to take her away. Money was also offered with equal liberality for her outfit, and her residence abroad commenced under the happiest auspices. Yet reports soon came over; they increased by degrees; the slander became blacker and more malignant; and as early as four years ago it had assumed a certain consistency. Still there was no jealous watching, no hunting for evidence, and no hint given to the queen that it would be fit to be more guarded in her conduct: the character of the country and the honour of the crown were then never dreamed of.

"Ministers had never said, 'return; this is dangerous—the country suffers—the crown is dishonoured—the royal family degraded, by these calumnious reports.' On the contrary, they had done every thing to encourage her staying: and he (Mr. Brougham) would venture to stake his existence that any man would have been deemed an enemy, and have had the court doors flung in his face, who should have had the hardihood to counsel that her royal highness should have been requested to re-visit this country. Yet these very men,

after forcing her away—after aiding, abetting, and encouraging a foreign residence—after taking no one step to put an end to that which they themselves alleged to be the sole cause of the evil: even at the twelfth hour, and when the twelfth hour was about to toll, did they then come with a request that she should return? Did they then suggest that her majesty, having changed her station, could no longer live abroad with safety—that what might be good for a princess was evil for a queen? Did they come forward with any plain frank disclosure that some inquiry might be rendered necessary—that reports had got abroad so malignant that they could not be overlooked—that suspicion attached, and that that suspicion must be removed? Was any thing of this sort done, not in kindness to the queen, but in compassion to the long-suffering people of England now agitated by this great question? No such thing: to the last moment she was warned not to come back: she was to be pensioned, largely pensioned, for not coming home; and she was to enjoy the rank she had degraded, and the privileges she had forfeited. She was to have an income to enable her to be wicked on a larger scale; all levity, all indiscretion, even 'adulterous intercourse' was to be pardoned on one condition, and that condition was, that she should continue abroad, before the eyes of foreigners who envied and hated us: she was to be the degrading spectacle of the queen of this country, without one of the virtues that ought to belong to her sex and her condition. With these facts before him, he must have a mind capable of swallowing the most monstrous improbabilities, who could lend himself for one moment to the belief that ministers gave credit to the preamble of the bill. It would never have been heard of if the queen had returned from Calais: but her landing at Dover called up all those phantoms of national degradation and insulted honour, of which so much had recently been heard; they were all raised by the foot which she set upon the English shore; and if she had consented to restrain it, she might still have lived without imputation, at least from the quarter in which it now originated.

"I end here [said Mr. Brougham] what I have to urge, not

that I have nothing more to bring forward, but because I am sure that your lordships are men of justice, that you are men of principle, men of ordinary sagacity, and, above all, that you are men of honour. I have made my appeal to you upon this bill, and I feel confident that I have not made it in vain. True it is that your committee has reported in its favour, but that cannot pledge the house; and he is the greatest of all fools who consults his apparent consistency at the expense of his absolute ruin. The sooner you retrace the step into which you may have been led at an unwary moment, the greater will be the service you render your country: if you decide that this bill ought not to proceed, you will be the saviours of the state, and indeed promote the substantial welfare of the kingdom, and the truest honour of the Crown."

The Lord Chancellor, as soon as Mr. Brougham had retired from the bar, said, that the house, which admitted but two counsel to be heard, would hear the other counsel now.

Mr. Denman, however, stated, that at this late hour of the day, when the understood period for the termination of business had arrived, after an anxious attendance, and in his present state of health, he trusted their lordships would extend to him their indulgence by granting him time till to-morrow.

The Earl of Liverpool expressed himself ready to comply with the request of the learned counsel, and suggested the propriety of an adjournment.

The Lord Chancellor having added, that the house would resume proceedings on the following day, and that only two counsel would be heard for or against the bill, their lordships adjourned.

Names of Witnesses, moved for to be summoned on behalf of the Queen.

The Earl of Guildford,
The Lord Glenbervie,
The Lady Charlotte Lindsay,
The Lady Elizabeth Forbes,

The Hon. William Burrell,
Anthony Buller St. Leger, Esq
Henry Holland, M.D.
——— Mills, Esq.
The Hon. Capt. King,
The Earl of Llandaff,
The Lady Charlotte Bury,
Sir William Gell,
The Hon. Keppel Craven,
The Earl of Clare,
The Lord Granville Somerset,
The Lord Frederick Montague,
The Lady Wm. Bentinck.

THE PROGRESS OF THE QUEEN TO AND FROM THE HOUSE OF PEERS.

The agitated state of the public mind, on the subject of the momentous and unprecedented proceedings now actually commenced against the Queen of England, was never so decidedly and powerfully expressed as it was by the crowds of persons of every description who thronged the principal streets of Westminster. At an early hour in the morning, workmen were employed in completing the double rows of strong timber fences, thrown up from St. Margaret's-church to the King's-bench office on the one side, and the upper extremity of Abingdon-street on the other, so as to enclose the whole area in front of the house of lords, and the whole line of the street we have mentioned, and preserve it exclusively open for the carriages of peers, to and from the principal entrance of the house of lords. Within this extensive area a very large body of constables were stationed, under the orders of the high-bailiff and the high-constable, who were in attendance before seven o'clock. The orders were, that no persons without official permission, should be suffered to pass the barriers at either extremity after ten o'clock. A very strong body of the foot-guards were posted in the King's-bench office, the Record-

office, and other apartments in front of the street; Westminster-hall was also appropriated for the accommodation of the military. All the passages which lead from St. Margaret's church-yard into Parliament-street were carefully closed by strong timber partitions. The police-hulk and the gun-boats defended the river-side of Westminster-hall, and the civil and military arrangements presented an effectual barrier at the opposite side. At nine o'clock, a troop of life-guards rode into Palace-yard, and formed in line in front of the principal gate of Westminster-hall. They were shortly followed by a large detachment of the foot-guards, who at first took up a position next the life-guards, in front of the hall, but soon afterwards changed their station, and formed under the piazza of the house of lords, where they piled their arms. Patrols of the life-guards were then thrown forward in the direction of Abingdon-street; they occasionally formed near the king's entrance, and at intervals paraded between the temporary barriers. At half-past nine o'clock, a body of the Surrey mounted patrol rode over Westminster-bridge, from the adjoining livery-stables where they were stationed, and continued for a short time parading Parliament-street, Whitehall, and Charing-cross; they afterwards drew up near the barrier at St. Margaret's-church. Up to this time of the morning the crowds which had been slowly assembling in the neighbourhood of Parliament-street, were occupied in taking up such convenient positions as they could command, to see her majesty pass. This had the effect of fixing a throng upon Westminster-bridge. At half-past nine o'clock the avenues between St. James's-square and Palace-yard were occupied by large bodies of people, the greater part of them respectably dressed. The windows and tops of the houses were filled by fashionable and respectable persons, chiefly ladies, who manifested the greatest anxiety for the approach of the queen. Every carriage that appeared in the distance was the object of much attraction, in the hope that it indicated the approach of the illustrious lady who was the cause of so much interesting and unexampled solicitude.

The peers had been, from an early hour in the morning,

gradually arriving at their house. The Lord Chancellor came before eight o'clock. The ministers were equally early in their attendance; and several peers who arrived on horseback were cheered by the people. His royal highness the Duke of York rode through the Horse-guards soon after nine o'clock, attended by a single groom; his royal highness was, of course, dressed in full mourning, and rode without attracting particular observation until he got into the crowd which then filled Parliament-street. The royal duke was then recognised by the people, and universally and enthusiastically cheered. His royal highness appeared at first surprised at these warm marks of popular attachment; he repeatedly bowed in acknowledgment of them, and appeared extremely anxious to pass quickly through the crowd. His royal highness's apparent intention was frustrated by the enthusiasm of those who pressed around him, and who with reiterated cheers accompanied him to the edge of the barrier, through which he passed on his way to the House of Lords. This mark of popular attachment to his royal highness was universal, and cannot fail to be gratifying to the royal family. The Duke of Sussex, who drove down in his chariot, was equally the object of loud cheering.

As the hour of ten approached, the anxiety for the queen became intense; it was then known that her majesty had arrived at her residence in St. James's-square, from Brandenburgh-house, soon after nine o'clock, and that her new carriage was in readiness at the door to receive and convey her to the House of Lords.

The greatest anxiety was at this period manifested by the crowd to obtain a sight of her majesty. After a short pause the queen presented herself at the window, and her appearance and deportment called forth from the surrounding multitude the most unbounded marks of applause.

A short interval only had elapsed before the multitude again expressed their wish to see her, and they repeated the call of "the queen! the queen!" Her majesty again presented herself at the window, and was greeted by the most fervent manifestations of sympathy and regard.

A little before ten o'clock, another of her majesty's carriages drove up to the door, and Sir William Gell and the honourable Keppel Craven, her majesty's chamberlains, who arrived from Naples on Wednesday, were announced. The honourable Keppel Craven alighted from the carriage, and joined her majesty, Lady Hamilton, and Mr. Alderman Wood, who were then in the drawing-room. Sir William Gell continued in the carriage.

At a quarter before ten o'clock an universal cheering in the direction of Charing-cross announced to the assembled and anxious multitude, which almost blocked up the approach to the houses of parliament, that the queen was then approaching. Her majesty left her residence in St. James's-square, accompanied, in her new state carriage, drawn by six beautiful bay horses, by Lady Ann Hamilton, and preceded by Mr. Alderman Wood in one of the queen's travelling carriages, drawn by four horses. The square had been from an early hour nearly filled by people: a large number of them, whose appearance denoted considerable respectability, pressed around the carriage, and accompanied it on its way. The queen was dressed in black, with a rich white lace veil, which flowed gracefully over her shoulders, and hung like an antique vestment over her dress. Her majesty's appearance was commanding and dignified; she repeatedly bowed to the people, who rent the air with their acclamations: her countenance, though pale, and seemingly care-worn, from the anxiety and grief of which her mind has been so long the seat, had yet an expression of great dignity and fortitude. She appeared, as it were, to have constitutionally the means of rallying within herself sufficient spirits to meet her unparalleled difficulties. The queen's carriage moved slowly on, owing to the immense crowd that preceded and accompanied it. It entered Pall-Mall; and as it passed Carlton-palace the people loudly and distinctly cheered. The sentinels on duty in front, after a momentary pause, presented arms to their queen, and were loudly greeted by the crowd. Whether this tribute of respect was the result of specific order, or emanated from the impulse of the

moment, we know not. The procession moved on through Cockspur-street, Charing-cross, the Admiralty, and Whitehall, into Parliament-street. Both at the Admiralty, and one or two other places where sentinels were stationed, on the line, they presented arms, but the soldiers at the Treasury did not. It is impossible to describe the universal emotion produced by the approach of her majesty to Parliament-street. The shouts of the immense multitude which accompanied her, and which, from the appearance of those who composed it, might be said to be a fair representation of the different classes that constitute the frame of society in this country, were the loudest we ever heard. They were joined by all the persons who thronged the windows and covered the roofs of the houses on the way: the ladies universally waved their handkerchiefs, and thousands of voices exclaimed "God bless her!" as she passed. The whole scene was, notwithstanding all the appalling associations which are connected with it so full of honest enthusiasm, that it could not fail to excite the utmost gratification. We have often seen the immense concourse of people which the metropolis is capable of furnishing on occasions of public interest; but there was a novelty and a grandeur in the appearance of this spectacle which no previous assemblage furnished. The moving mass advanced in slow procession with almost mechanical regularity. In the midst of this immense throng, composed as we have already described it, her majesty appeared with her wonted dignity, and for the first time, we may almost say, since the early days of her untoward marriage, with an equipage furnished by Government, and suited to her rank in the state. When the procession came to the barrier which extended from St. Margaret's church to the Record-office, the strong fence yielded in two or three parts almost in an instant to the immense pressure of the crowd, and the people had the gratification of moving onwards with their queen to the very threshold of Parliament.

Her majesty was received at the door by Sir Thomas Tyrwhitt and Mr. Brougham, who immediately conducted her to the apartment provided for her reception.

The crowd continued throughout the day to collect in all the avenues immediately leading to the House of Peers, and to manifest the most ardent curiosity to learn any particulars of the momentous proceedings pending within the walls of Parliament. Several members of the House of Commons were stopped, as they passed and repassed, to answer questions anxiously put to them by individuals in the throng. In this manner the proceedings of the House of Lords became known in many parts of the crowd, and were repeated with avidity. As is usual on such occasions there were not wanting those who were prepared to afford a little variety to the multitude in Palace-yard, by furnishing them with a subject of broad humour on this occasion. Waddington, and one or two other persons, whose names have become familiar of late in crowds in the metropolis, had procured a pole, on which they fastened a large green bag, that had suspended from it a caricature drawing, which was intended to illustrate some of the measures adopted against her Majesty. The exhibition of this bag caused a great deal of laughter; it was carried both in the crowd and among the soldiers without any interruption being offered to the bearer. At different intervals in the day the utmost difficulty was felt in keeping the space between the barriers sufficiently open to permit the ingress and egress of Peers' carriages according to the order of the house. Several patrols of the life-guards paraded throughout the day between the barracks at Knightsbridge and Palace-yard. They were in general loudly cheered by the populace, who accompanied their cheers with shouts of "Long live the Queen!" The guards rode very carefully among the dense crowd through which they had to pass, and appeared particularly cautious in the management of their horses, to avoid inflicting injury upon any body.

As the time approached when the Lords were expected to adjourn, the windows, balconies, and parapets of the houses, again became filled by ladies of distinction. The appearance which they presented was elegant in the extreme, and the interest manifested by them did honour to their feel-

ings. At four o'clock the bustle among the peers' carriages, and anxiety to press forward to the outer door, indicated the termination of the day's business in the house. Among the first carriages which drove off was that of his royal highness the duke of Gloucester. The royal duke was loudly cheered by the people, and his royal highness repeatedly bowed in return. His royal highness the duke of York rode from the house in the same manner as he arrived there, attended by his groom. The crowd pressed close around him, and a patrol of the guards made a movement as if to clear a passage, but his royal highness waved his hand as if to avoid the interference of the military. The multitude received the duke at his departure with the same enthusiasm which marked his arrival in the morning. Shouts of "Long live Frederick!" "Long live the Queen!" were re-echoed from all sides. His royal highness repeatedly bowed as he passed through the crowd, which continued to address him in the most flattering manner while he remained within sight. The next personages recognised by the people were not so fortunate as to meet with a similar reception; they were the duke of Wellington and the marquis of Anglesea. These distinguished personages were on horseback. The crowd particularly pressed around the duke, and shouted, "We must have the queen—no foul play, my lord—the queen for ever!" Others exclaimed—"The army for ever, my lord." And one person, who was on horseback, rode along-side the duke, and said, "The queen and the army." His grace rode on apparently indifferent to the surrounding bustle; he occasionally smiled at those of the crowd who pressed the nearest to him, and said, "Yes, yes," to the reiterated exclamations of some of the most persevering among them who continued to vociferate, "Long live the queen." The marquis of Anglesea did not manifest the same command of temper; he spurred his horse, and seemed anxious to get rapidly through the crowd. Their lordships rode through the Horse-guards, the gates of which edifice were immediately closed as they passed, and the crowd prevented from entering St. James's-park. Earl Grey, lord Hol-

land, and several other peers, were loudly cheered. But few of them had driven off when the queen's carriage approached the door at which she had alighted; and her majesty again took her seat in it, and departed from the house in the same state which marked her arrival in the morning. The immense multitude who surrounded her was, if possible, greater than in the morning—their enthusiasm the same, for it could not possibly be exceeded. The shouts of "Long live the queen!" were universal and deafening. The ladies waved their handkerchiefs, and the demonstrations of popular attachment were loud and general, and each class in society seemed to vie with the others in an anxiety to pay homage to their queen in this hour of her trial. Her majesty appeared somewhat exhausted by the fatigue and anxiety she must have sustained throughout the day. She repeatedly bowed to the people, and appeared deeply sensible of the extraordinary interest they manifested in her behalf. The queen was escorted back to her residence in St. James's-square by the Honourable K. Craven, Sir W. Gell, and Mr. Alderman Wood. The same military honours were paid her as she passed the sentinels at Carlton Palace, and she alighted at her house exactly at five o'clock. St. James's-square was thronged to excess by carriages, filled by personages of distinction, who seemed anxious to see her majesty return. The crowd continued in front of the queen's residence until a late hour in the evening. Notwithstanding the tremendous pressure of a crowd covering so large a space during so many hours, and moving backwards and forwards in the midst of almost innumerable carriages and troops of cavalry, we have not heard of the occurrence of any serious accident. We never remember to have seen a crowd congregated for such a length of time less disturbed by tumult or disorder of any kind. The police were stationed in every direction, and expresses were hourly passing to and from the 14th regiment of dragoons and other corps, stationed at Greenwich, Deptford, Lewisham, and the neighbouring towns

The following order was issued and delivered to the several

messengers and officers of the house, for the guidance of their conduct:—

"*House of Lords, August* 17.

"The entrance for members of the House of Commons is through the long gallery only.

"The door-keepers have strict directions not to allow any person whatever to pass the outer door, where strangers are admitted, without a Peer's order."

SECOND DAY,—FRIDAY, AUGUST 18.

Mr. Denman commenced his address to the house by thanking their lordships for the indulgence which had on the preceding day been extended to him. It now became his duty to state to the house the objections he had to urge against the bill which was before them; and it would require no argument of his to convince their lordships that the question to which he was about to address himself,—the principle of the bill,—was as open to opposition in the present stage of the proceedings as it could have been at any previous period. That fact had been fully established in the case of the Duchess of Norfolk; and, indeed, if he were to be considered as precluded by any thing which had passed from entering into the fullest discussion of the present and of the original measure, it would be waste of time for him to proceed at all. He should, however, address himself to the subject just as if no proceedings had yet been taken, and as if the bill were now for the first time presented to a house of peers, which, in point of law as well as in point of fact, had never heard one syllable of the intentions of those by whom the bill had been promoted. If, then, it was open to the house at this time to enter into a full consideration of the principles of the bill in all its bearings, it followed of necessity that, if the house, as it was now constituted, should happen to take a different view of the question from that which had been acted upon, there would be no inconsistency, no impropriety, no retractation, in their adopting such view. The

house had no steps to retrace, because no steps had been taken —because the house stood at the present moment upon the very threshold of the measure, and upon that threshold he would make his first stand against it. He had looked at this bill, of tremendous importance, attentively, and to the principle of it he thought it impossible for any constitutional or legal mind not to feel the strongest aversion; but he must confess that, proceeding technically, he felt some difficulty in raising the point with which he was to contend. When he read the bill, and asked himself what particular principle he should assail, he was at a loss to abstract that particular point from the mass; he was puzzled to see what was the especial doctrine meant to be established; what was the precedent supposed to be followed, or sought to be laid down; what were the lights derived from the past, or what the example held up to the future. It was in vain that he had tried to abstract the bill; and, although he had exerted his faculties upon the preamble, he could draw from that document no precise charge,—he could grapple with nothing which directly affected either the conduct, the character, or the interests of his client.

"Before he pursued that part of his subject, however, he felt it his duty to say, that he was even now addressing their lordships under an election which his client had been compelled to make. He did not complain of that which, to the house, had seemed just; but, with reference to the possibility of a change of circumstances, he thought proper to remind the house, that those for whom he appeared had been compelled to that election, and that the election so made ought not to be captiously held as binding upon them against any change of measures which a change of circumstances might induce. There was another point, too, upon which her Majesty's counsel had been put to their election, and upon which he doubted if they had exercised a wise discretion on the part of their client. Upon other occasions of a similar nature both common lawyers and civilians had been heard; but upon the present important question, a question involving those principles which formed the very basis of the common law, and

compromising equally those rules of ecclesiastical polity, and those principles which governed the nearest relations of social life, only one common lawyer and one civilian, or two common lawyers, were permitted to address the house. The effect of that order had been to deprive him of the assistance of a learned friend, who would have done justice to many points upon which he (Mr. Denman,) was almost wholly uninformed; but, under all disadvantages, he appeared before their lordships,—he appeared in the execution of that important duty which was cast upon him by his office,—an office which, in the present hour of trial and of difficulty, he prized far more highly than the proudest favours which royalty could confer in the moment of prosperity. He appeared before the house in the performance of that duty; and if he failed, the failure would be owing to his want of talent, and not to any want of zeal for the cause which he was pleading.

"The proceedings of the secret committee," the learned counsel continued, "who had occupied themselves in the examination of certain written papers, unvouched, he believed, by any living witness, had been compared to the proceedings of a grand jury. He would not travel over the ground so often trodden in contrasting the difference between the two jurisdictions; but this secret committee, compared to a grand jury, deputed to find bills, was not the body from which the present bill had emanated. The bill had been set up in consequence of the recommendation of the secret committee; but that body had not found that the facts stated were in proof before them, or that the present was the proper mode of bringing those facts to investigation and to punishment. The secret committee had merely recommended a solemn inquiry; they had merely declared that, upon examining the documents laid before them, they found, upon the concurrent testimony of various persons residing in different parts of Europe, charges deeply affecting the honour of the queen—charges so deeply concerning, not only the dignity of the crown, but the moral feeling of the country, as to call for a solemn inquiry; and that it was their opinion that such an in-

quiry would be most conveniently effected through the medium of a legislative proceeding.

"The secret committee had not declared that the evidence of those various persons was true, or even that the documents were authentic. They had recommended a solemn inquiry, not a bill of divorce and degradation. That bill had been laid before the house, not by the committee, but by an individual peer—filling, no doubt, a situation of high responsibility in the government; but, in the present case, simply preferring the bill as any other peer in that house might have preferred it. He took it for granted that the bill had not been drawn by the noble earl who had presented it; he did not inquire whether it had been drawn by the learned attorney-general; but he was certain that he need make no apology for declaring that he should examine it as narrowly and with as much fearlessness as if it were a common indictment preferred at the lowest tribunal to which a subject of the country could be summoned. When he looked at the terms of the bill (for he could find no abstract principle belonging to it) he saw no state necessity mentioned, no public inconvenience pressed, as a cause why it should pass. But, to look for a moment at the recital of this bill—this ebullition, as it seemed to be, of moral feeling on the part of the party who drew it—this bill which was to express the deep feeling which the House of Commons entertained of the 'scandalous, vicious, and immoral' conduct of the queen.

"In 1814, her majesty, then princess of Wales, being at Milan, engaged in her service one Bartholomew Bergami, a foreigner of low station, who had before served in a similar capacity. Well, there was nothing very scandalous or vicious in that. And after the said B. Bergami had so entered the service of the princess of Wales, a most unbecoming and degrading intimacy commenced between them. Whether any given intimacy was unbecoming or degrading must be very much a matter of opinion; and that which one of their lordships might deem derogatory, might by another be held perfectly fitting for her majesty's rank and station. The learned

counsel then read through a variety of the charges against her majesty, among which it was impossible, he contended, to discover any thing either scandalous, unbecoming, or disgraceful—any thing which one human being had a right to censure in the conduct of another, or any thing which could honestly be imputed as a crime, either in a court of justice or in a legislative assembly. But this proceeding had been likened to an ordinary bill of indictment. What," said Mr. Denman, " is it common, in bills of indictment, to state the evidence against the party?—to state the facts which, perhaps, have governed the decision of the grand jury upon their *ex-parte* examination ?—to place upon the record, not a plain, honest, intelligible charge, but the evidence, the very evidence, upon which they have brought their own minds to a conclusion, perhaps most uncharitable and unjust? Is there any thing in bills of indictment insidious, insnaring and jesuitical?—any thing that leaves the party accused in doubt and darkness as to the crime he is accused of? No; the law of England, that law which may be truly called the perfection of reason, of justice, and of humanity, is most careful that no individual shall ever be charged with an offence, the nature of which he shall not understand, and to which he shall not be prepared, if innocent, with an immediate answer.

" If I were to indict a man for murder, should, I upon the face of the indictment, state more than that he, with malice aforethought, &c., struck the blow? Should I say, that John Thomas had been for ten years an enemy of the deceased?—that he had threatened him, and that he was seen to watch and to way-lay him? Then why, for Heaven's sake, in this most solemn proceeding, where, from the nature of the offence charged—from the nature of the circumstances attending it—from the nature of the evidence by which it is to be established, it becomes most peculiarly just, most absolutely necessary, if justice is intended, that the defendant should have the most clear and distinct notice, the most precise advertisement and warning of the facts with which she is charged—why are circumstances, which are at best but evidence from which the

fact may be inferred, why are those circumstances to be blazoned upon the face of the indictment?"

Here the learned gentleman's argument was interrupted by the entrance of the queen. The house, as on the former day, rose to receive her majesty, who, attended by Lady Ann Hamilton, took her seat within the bar, and immediately in front of her counsel.

Mr. DENMAN continued—" It was for these reasons that he protested against the principle of the bill, which he could only view as an enumeration of doubtful circumstances proceeding upon an *ex-parte* statement, capable probably of a complete and satisfactory answer, but certain to excite prejudice against the party accused, and supposed to be put fairly and impartially upon trial. But he would proceed for a moment with the language of the bill. It stated, 'that her majesty, the queen, wholly regardless of her honour and of her character, and unmindful of her duty to her husband, conducted herself to the said Bartolomo Bergami, and in other respects, both in public and private, in various places and countries which she visited, with indecency, and with offensive familiarity and freedom.' What, the learned counsel would ask, was conveyed by such language? How was such a charge to be met? What was to be understood by 'in other respects?' There were circumstances stated, which, at law, would be considered as most unjustly and most iniquitously stated; but not a word, not a fact, which proved the queen to have been unmindful of her duty to her husband: and then, in order to meet her with a charge of which she could have no notice, and could not possibly be prepared to answer, they provided themselves with arguments and witnesses as to indecent familiarities 'in other respects.' And then, as a climax, to which the author of the bill seemed to have worked himself, then came the charge which he had not dared to make point-blank, the charge which would of itself have been sufficient to support his bill, and without which it never could stand for a

moment; then, as though he had worked himself up to the desperate and unnatural resolution of taking the chance that some suborned wretch from among the perjured abject pack, dragged by bribes from among the dregs of society in those countries which the queen had visited, might come up to the mark, then came the 'intercourse.'

"He had never known until now that it was necessary to qualify the word adultery. He should have thought the simple word sufficient without any other epithet. But the deviser of the bill had worked himself up step by step, and, after reaching the points licentious and disgraceful, he had contrived to go one step further, in hopes of inducing the jury to *infer* adultery from the circumstances which might appear in evidence before them. The *beau movement*, however, was to come. First, was manifested the deep sense of her majesty's scandalous and vicious conduct; next, the determination that she had rendered herself unworthy of her station and prerogative; then, the resolution to deprive her of those advantages; and last, as though it had just occurred to the mind of the ingenious writer, came that remarkable clause, which, as a postscript sometimes contains the whole meaning of a letter, seemed to contain the whole force of the bill—the sentence of divorce against her majesty the queen; thereby permitting her royal consort to contract a second marriage.

"He had already, (the learned counsel continued,) alluded to the indefinite nature of the charges in the bill,—to their frequent dependence upon individual feeling and opinion. And upon what feelings or opinions was her majesty charged with indecent and improper freedoms? For, after all, there was nothing for it but opinion. We had opinions distilled to the third and fourth degree; presented by some one to the committee; by the committee to the secretary of state; and by the secretary of state to the attorney-general;—opinions given by, the house knew not whom, and coming through channels equally unknown. He would defy any human being to point out a question upon which such variety of opinion might exist as upon that question of improper familiarity; and upon that

very point he would refer the house to one of the finest compositions which had ever been produced by the pen of man,—the letter addressed by the Princess of Wales to his late majesty, upon the subject of the inquiry in 1806.

"In the course of that inquiry, Mrs. Lisle, a lady of the highest character, was examined as to the conduct of the Princess of Wales, and she declared that she thought the conduct of the princess 'flirting,' which was the strongest term remaining against the princess upon that inquiry. The letter to which he would refer their lordships contained these observations:—'What Mrs. Lisle means by flirting conduct, what degree of impropriety she ascribes by that term, it is difficult to ascertain. How many women are there, most truly modest, most incapable of any thing improper, in deed or thought, who, from less natural reserve, from greater natural spirits, and from that want of caution which conscious innocence betrays them into, conduct themselves in a way which a woman of more reserved disposition might think too familiar, and which, if obliged upon her oath to characterize, she might be forced, as an honest woman, to say was flirting?' The writer of that passage had, perhaps without knowing it, adopted, almost word for word, the language of Hume, in his observations on the fall and character of Anne Boleyn;—'Anne, though she appears to have been entirely innocent, and even virtuous in her conduct, had a certain gaiety, if not levity, of character, which threw her off her guard, and made her less circumspect than her situation required. Her education in France rendered her more prone to those freedoms, and it was with difficulty she conformed herself to that strict ceremonial practised in the court of England.' He would not pause for the application: he was content with the passage. It was for minds differently constituted from that of her majesty to continue on all occasions in the maintenance of strict reserve, and never to descend to the free and natural intercourse of society.

"An excellent and illustrious prince had taken a pride in being esteemed for the amenity of his disposition, and for the

ease with which he was wont to lose sight of his dignity in the association of his friends. When he was described as *omni asperitate carens*, he deemed that no trivial eulogy was pronounced upon him. But the most remarkable instance of familiarity between personages of high rank and those of an humble station, which had come to his knowledge, was that of an English sovereign and a waiter at a tavern. It was said to have occurred when the illustrious party was Prince of Wales, during which period a note was once delivered to him commencing in this way,—'Sam. Spriggs, of the Cocoa-tree, sends his compliments to his royal highness.' The prince, on afterwards meeting with Mr. Spriggs, observed to him, 'This may be very well between you and me, Sam; but, for God's sake do not play these tricks with our high fellows; it would never do with Norfolk or Arundel.'

"It was impossible that their lordships should not have heard of the terms which had been offered to his illustrious client, on condition of her leaving this country. It was well known that she had been offered her royal yacht to convey her to the continent,—that her royal rank was recognised,—that she had been entreated to accept fifty thousand pounds a year,—and that it had been also in contemplation to present to her the grateful acknowledgments of both houses of parliament for acceding to their wishes. Now, they all knew what was meant by a *deductio ad absurdum*; and if the king's ministers had really made such proposals to her majesty, the present bill was an absurdity. If, with the same knowledge which they now possessed of the facts and circumstances alluded to in the report of the secret committee, they had submitted any terms at all similar to those he had just stated, it followed, as a necessary consequence, that the charges against her majesty were false.

"A message from the crown had been delivered to them, stating that the queen had arrived in this country, and therefore it was thought right to communicate certain papers to their lordships. But if, subsequently to this proceeding, a negotiation had taken place in which the proposals to which

he had alluded were made and rejected, the preamble of this bill ought to recite, instead of the libellous matter which it contained, the history of that negotiation. The bill was introduced on account of the queen's arrival, not for the sake of the honour or dignity of the crown. The proposals were rejected because accompanied by a condition which her majesty regarded as illegal, and because she was unwilling to acquiesce in any inference which some persons might be disposed to draw from the omission of her name in the prayers of our church. Therefore it was that she must now be stigmatized and degraded, and her royal consort be allowed to contract a second marriage.

"The preamble of the present bill was wholly irreconcilable to the recorded facts of this extraordinary case. He did not wish to treat the subject with levity, but he must say that he had almost conceived himself to be in a theatre when he saw so many noble lords on a committee, each producing as it were, his own little fact, and adding some new circumstance, in order to make out, if possible, a substantive offence. He thought he heard one noble person observe, that a menial servant had been promoted, another that an order of merit had been conferred on him, and a third that the queen's deportment did not correspond with her dignity. A fourth, in the spirit of *Mrs. Candour*, might declare that he did not believe one half of what was alleged, and then start a doubt whether an inquiry might not disclose very important matter. It appeared to him that they had been rehearsing the *School for Scandal*—that they had been performing a solemn *farce*. Had *Malvolio* really intrigued with his mistress? or had the other servants quarrelled with the steward, and determined to seek revenge?

"He must again complain of the indistinct and indefinite nature of the charges—of the multiplication of facts, to which it was impossible to give any answer, or to establish any defence. He complained also, that it held out motives to induce their lordships to pass it, which could not operate to the prejudice of any cause tried before a jury, or brought be-

fore their lordships by impeachment. The offence would then be clearly described, and might receive a distinct answer; each of their lordships would, in the latter case, be called upon to decide a specific question on his honour. Suppose them to be satisfied that there was no evidence of adultery, some of them might entertain such high notions of female propriety as to condemn what others might think innocent, and feel induced to lend their sanction to this measure. Some might require conclusive proof of adultery, others might be content with grounds of surmise. He knew, indeed, that many of them would not support the bill unless adultery was as clearly ascertained as in cases of ordinary divorce; but he also apprehended that there were many who might think that the same evidence from which a jury would presume the act in a civil action for criminal conversation, would be sufficient in this instance. But, in cases of that nature, the proof usually consisted of a variety of circumstances, as well as of direct evidence of a criminal intercourse. There was the wife's debauched mind, her estranged affections, and not seldom the desertion of her husband and family. But if the offence of adultery was to be proved at a criminal bar, the judge would require, as in all criminal prosecutions, either ocular proof, or evidence tantamount to it. How was he to gauge their lordship's tastes, or to calculate the impression which such or such statements might make upon them? It was possible that familiarities might have occasionally taken place amidst the inconveniences of long journeys, such as a servant sitting at the same table with her majesty—an incident then easily accounted for, but which would have been highly improper in the usual course of domestic life.

"Some of their lordships might hold it improper to promote a servant, others might convict on a different ground; nay, it was possible that no two noble lords might vote for this measure on the same ground. It might seem to many that, in default of legal evidence, considerations of expediency ought to be admitted. When great interests were at stake, and between high parties, these considerations were too often allowed to interpose their influence.

"He had heard it said—it had indeed but lately been the language of the press—that one of these parties must keep his place, and that the other ought therefore to be deposed; that the queen, if she could not be punished as a culprit, might be sacrificed as a victim. True it was their lordships could never be induced to convict by sentiments of this nature, nor did he wish to dwell longer on a subject so painful; but he was anxious to remind their lordships, that it was within the competence of the House of Commons to impeach in a case like the present. The ordinary rules of special pleading did not apply to it; and although no grand jury could find a bill of facts done at Milan, the House of Commons might impeach for whatever affected the dignity and honour of the crown, or the safety and interests of the State.

"This trial her majesty had challenged; but she regarded the bill as no trial—as a proceeding calculated only to bewilder and betray, and as to the justice of which the public would have a right to entertain strong suspicions. For his own part, he disclaimed throwing any suspicions on their lordships' justice; he had the highest respect for the institutions of his country, and would submit to a grievance rather than asperse them; but it would undoubtedly be said, that their lordships had officiously volunteered on this occasion, and passed a bill of divorce without any of the necessary precautions. To these assertions it might be difficult, hereafter, to find an answer; and he solemnly implored their lordships to stop ere it was too late. They had heard from his learned friend (Mr. Brougham) a powerful and convincing argument on the evil tendency of bills inflicting penalties, and on their utter repugnance to every principle of justice. They exhibited the legislator and judge making at the same time the punishment and the crime.

"He would refer them again to those excellent protests in Lord Strafford's case which had been mentioned by his learned friend, and from the principles set forth in which they never ould depart, without the commission of some injustice. It appeared to him that the honour of the peerage was dearly

bought by having an ancestor to be found in those majorities who passed the bill of attainder against Lord Strafford. What reason had been assigned why their lordships should now interfere with the House of Commons, or send down to them a bill of this description, there to be debated and discussed, possibly under the influence of instructions received from its constituents, and having no power to examine witnesses upon oath? If the charges emanated from that house, they might take the form of an impeachment, and then the question would be tried judicially, the evidence received on oath, and the decision pronounced upon the honour of their lordships. Why were their lordships to share their judicial power with the people at large—possibly with every petty corporation that enjoyed the elective franchise?

"He had heard it lately said by one of the most distinguished members of the House of Commons, that the house never went into any inquiry without disgracing itself before the inquiry was brought to a termination. Then let their lordships look at the situation of the third branch of the legislature. The king had high powers, and was in all cases a mighty auxiliary. Was he, however, in this question to be viewed as a fair umpire? Had he kept his peace in these proceedings? and if he had, would their lordships pronounce sentence of divorce without a complaint from one of the contracting parties to the marriage? If, on the other hand, the king had complained, if he had in fact initiated this proceeding, and set all this machinery into tremendous operation, how could they, without the greatest of all mockeries, call on him to give his assent to a measure of which he was himself the principal author? Although the subject might be treated in that house with a spirit of perfect justice, it was not possible that doubts should not exist as to the principle of the measure.

"When he commenced his address, his royal client had not entered the house; and therefore he now in her presence, once more appealed to their lordships to avert this public mischief—miscalled a trial. Her majesty was departing from no principle in making this appeal; she still challenged a

trial, but a fair trial; she was not satisfied that her accuser should send sealed bags of papers to the most distinguished of her judges, or that the final sentence should be pronounced by himself. There was no inconsistency in thus attempting to stifle a disgusting inquiry, and to stop the progress of such an attack on the honour of the first subject, and perhaps the future sovereign, of these realms. Their lordships' decision, he trusted, would not tend to impair the foundations of society, or to weaken the force of those moral examples by which they were most effectually secured. Was this, in point of fact, a bill of divorce, or was it not? The last four lines would suffice for this object; and the sole object, he would venture to assert, of this bill was to release his majesty from the sacred obligations of marriage. If it were a private or ordinary bill of divorce, the husband would be called upon to make answer, upon oath, to all questions relative to his own conduct—to all inquiries whether he had ever consented that his wife should live apart from him, or abroad at a distance from him.

"Divorce was regarded by the law as a peculiar species of indulgence: and, in order to preserve the sanctity of the marriage vow, it was never granted except where the complaining party was himself free from blame. Let their lordships, then, suppose the case of a young and accomplished woman coming to these shores from a foreign country, with prospects of splendour almost unparalleled; that, on her arrival, instead of meeting an affectionate husband, she found an alienated mind; that the solemnities of marriage did not prevent his being still surrounded by mistresses; that the birth of a child, instead of affording a pledge of mutual regard, became the signal of aggravated insult, and was shortly followed by her expulsion from the husband's roof. That, even then, spies were placed over her to report or to fabricate stories of her conduct. If, after all these circumstances, an *ex-parte* inquiry took place and terminated in a complete acquittal; and, in consequence of that acquittal, she was restored to society and to the embraces of a father by whom she was never deserted; if, subsequently, she had been induced to go abroad, and that the same machi-

nations were renewed against her, in the hope that what had failed in England might succeed in Italy, and the charges, which had before been blown to atoms by argument and ridicule, might at length avail if not to convict, at least to blacken, to degrade, and to destroy; in a case like this, where the husband had thus shown himself indifferent to the honour and happiness of his wife—where he had abdicated all those duties which alone gave him the rights of a husband—would their lordships listen for one moment to his case? Surely not, and he would be obliged to retire from their bar with feelings which it was unnecessary to describe.

"If, then, this matter were to proceed (which he prayed to God it might not—and he so prayed, not more for the sake of his royal client than for the sake of the country, and of the Sovereign himself)—but if it were to proceed, he now claimed the fullest and amplest opportunities of recrimination. If, by incontinence, unkindness, or brutality, the wife was driven from her home, and was afterwards charged with adultery, to refuse all inquiry into the husband's conduct was evidently to allow him to take advantage of his own wrong. Recrimination appeared to him the most important right belonging to a consort. Unless, then, the rules of morality were made, not for the high, but for the low, and unless laws were to be suspended only for the powerful, and never for the weak, such an example, he was sure, would not be established.

"Bills of pains and penalties had but one justification—that of state necessity; and it was singular that in many cases of their adoption this argument pointed another way. In the case of Knight and Burton, in 1700, in which the offence was that of forging an instrument, the bill was passed in the House of Commons by acclamation: the House of Lords divided equally, but the casting vote of the Duke of Leeds decided the question in favour of the bill. The offence was afterwards tried at the Old Bailey, and a verdict of acquittal was found, he believed, upon the merits. But the case of Lord Strafford was a much more unfortunate and signal instance of the danger that attended all judicial proceedings

carried on without the sanction of judicial forms. The same House which acquitted Lord Strafford on the impeachment, acquiesced in the bill of attainder against him for the same alleged offences. The language in which history spoke of that nobleman's execution furnished a solemn warning to future ages of the necessity of adhering to strict rules in the administration of public justice.

"The case of Sir John Fenwick was, he acknowledged, a peculiar one: it was one attended with many criminal circumstances, and there was at least the appearance of necessity to justify it. But, with regard to the instances of Plunket, Kelly, and the Bishop of Rochester, he must observe that, until he examined their lordships' journals, he was not aware that injustice had been carried to such an extent. The bill against Dr. Atterbury was passed on the written evidence of a dead person; and the bishop was not allowed to disprove the facts contained in the written statement. Thus evidence not admissible in a court of criminal law was received, and all opportunity of rebutting it withheld. It seemed as if, when a state necessity was alleged to exist, there was no longer any question of guilt or innocence, and as if the sole object was to get rid of a certain party. Still the guiding precedents which had been pointed out for the measure under consideration affected to hold out the full means of asserting and proving innocence. Now, in the first instance, let them consider whether there existed any shadow of public necessity for this measure, and whether an apprehension might not rather be entertained that its adoption would endanger the public welfare.

"He did not wish to influence their lordships' minds by extraneous considerations; he was satisfied they would act on the principle, *fiat justitia, ruat cœlum;* but at least he might be permitted to observe, that those considerations afforded no additional reason for their taking upon themselves an unnecessary task. It appeared to him that this proceeding might eventually lead to a disputed succession. If his majesty should again marry, and a child, the fruit of that mar

riage, be born, there might yet remain in moral and religious minds a doubt as to the validity of that marriage, and whether its offspring had a just title to the crown. Far was it from him, as a lawyer, to question the power of an act of parliament to regulate the succession, but disputes of that nature arose from feelings to which parliament themselves were sometimes obliged to yield. The title of Henry IV. was recognised by as valid an act of parliament as was ever passed, as the title of Henry VI. also was on more than one occasion. In the reign of Henry VIII., the issue of Queen Katherine was excluded, as was subsequently the daughter of Anne Boleyn. Four years after the death of the Queen Jane Seymour, and upon the king's marriage with Anne of Cleves, a new settlement was made. The king, on this occasion, did not divorce his wife till he had provided another: and he was afterwards twice married, and had nearly again changed the succession. In 1553, it was altered in favour of Lady Jane Grey, and the titles of Mary and Elizabeth were restored. To recur, then, to the possibility of a disputed succession being the consequence of the present measure, he must now with infinite pain advert to certain proceedings which took place in the year 1809, relative to the conduct of an illustrious person, the heir-apparent to the throne. If scandalous or immoral conduct were to lead to the forfeiture of a crown, and conflicting claims to arise as to the superior title of his majesty's future child and the present heir, the latter might be told that his claim was gone, and that, to prove this, it was only necessary to send for the minutes of the House of Commons, by which it appeared that he was guilty of all that was imputed to the queen, and of much more. So, with regard to the other royal dukes of the same illustrious family, the same objection might perhaps be addressed to them, if their conduct for six whole years were to be examined with a view of detecting scandalous freedoms or adulterous intercourse. In point of principle, this could not be regarded as a single measure. If a queen-consort were to be hurled from her station into beggary and exile, the same principle might apply to

a queen-regnant: but there was not one word in this bill which went to deprive her majesty of her right of succession to the throne She was not, however, so remote in blood as to make that succession an impossible event. There was, at this moment, precisely the same difference as existed at the time of the revolution between William and George I.

"If this, then, were the case, how was it possible for them to avoid incurring the greatest dangers by this proceeding? Were their lordships prepared to say that improper and vicious courses were a ground of exclusion from the throne? There was one question, one point which their lordships could not have failed to observe, and that was, how many slanders in this case had been circulated against rank and authority. He should have thought that, instead of using the authority under which this proceeding had arisen to give a sanction to those slanders, there would have been a disposition upon the part of their lordships to put down all those calumnies—and more especially those levelled against persons in authority—the dissemination of which had so long been the crying disgrace of the country. If a proceeding of this kind was to be entertained in that house against the queen, it was equally competent for it to entertain another one of the same description against the heir-apparent, or the heir-presumptive; and he would add, justly so; they ought to be empowered so to proceed in the other case. If, again, by the introduction of a measure like that before their lordships, one peer could uncrown the queen, another peer might uncrown the king; and he would say further, that the public opinion, which, after all, must dispose of crowns, and sceptres, and kingdoms, would receive the same bias with equal facility. He did not say that, in the further progress of the present proceeding, no justice would be done; but he did affirm this—that its principle was one calculated to operate, and fatally, upon the monarchy of the country. He well knew that there were numbers who maintained that the queen should have equal justice done to her with any other person, being a subject of the realm. It was contended by others, that were she a subject, she would have

had such steps taken against her out of doors, as should in principle be the same with the pending measure: but he must say, that in regard to this particular proceeding, the case of the queen was not parallel to that of any subject of the realm.

" This was a proceeding against the queen alone; but he was quite sure that for that reason their lordships would not think her majesty the less entitled to that protection which every honourable mind must be ready to award her. That which was true with respect to subjects at large, was not true as of princes of the blood royal; for the situation which they held in the country necessarily made them objects of greater envy and detraction than individuals in a different sphere; and he did know but that the example of the 6th of June last might be the cause of the creation and diffusion of a variety of slanders, originating at St. Omer's, (as we understood the honourable and learned gentleman), and other parts of France, affecting many individuals, but principally that royal personage to whom fifty thousand pounds per annum had been offered as the compensation for those rights which she demanded, and by whom that offer had been refused. If their lordships would suppose for a moment, that upon this unfortunate occasion, any degraded person had, by some secret means, found admission into the palace of the queen, and it should appear that he had entered there with some treasonable intention of undermining her state and dignity, he would ask their lordships, whether, even in that case, any surer or more effectual means could have been resorted to for such a purpose? He would ask also, whether the case of the queen might not be made the example for the deposition of the throne also? He would ask another question—whether the experience of all former times did not bear upon the possibility of such a fact?

" It was very remarkable, but their lordships would well remember, that the origin of the French revolution was marked by calumnies and libels against the French queen—imputations against that unfortunate woman, which were coupled with slanders and insinuations against all that was pure, and noble, and honourable, in France. Their lordships would recollect that eventful and gloomy period, when the unhallowed

hands of desperate men were raised against insulted royalty—a period at which, as had been well observed by an elegant writer (Mr. Burke), all the beautiful delicacy of the female character was violated and despised—a period at which that modest sensitiveness, that sacred purity, which impose upon man 'all those moral obligations which the heart owns, and which the understanding ratifies,' were lost in the licentious profligacy of the day; when it had become a common observation, that 'a king was but a man—a queen was but a woman—a woman was but an animal, and that an animal not of the highest order.' But their lordships would readily recall the glowing picture which that great writer had drawn of the illustrious family to which he (Mr. Denman) had alluded; and they would deplore the unhappy consequences which must at all times be entailed, even upon the most moral, the most strict, the most virtuous persons that could ever sit on thrones, if these libels and calumnies were to be propagated, and inquires instituted into the privacies of royal life, which were revolting to commanding understanding, united to correct feeling. The learned gentleman then went on to eulogize those distinguishing ornaments of female character to which he had before adverted: and to ask their lordships, what would be the consequence of encouraging a species of inquiry calculated to harm or destroy their delicate texture; and particularly as regarded their existence in this country, in the persons of those whom the constitution had vested with rank and authority? What, but the stripping of the throne itself of these, its most beautiful, most honourable ornaments, and the replacing it by that sort of Pharisaical republic, which would then be erected upon the ruins of the English monarchy? But he knew that the greatness of the female character consisted in throwing from it, to an immeasurable distance, that species of impertinence and intrusion which would presume to violate, by unwarranted inquiries, the sanctity of domestic privacy; and upon these grounds alone he might rest his only and general defence, if it were necessary, of the queen, against a measure intended to exclude from the throne her who ought to adorn

it—who came here with every expectation, with every reasonable hope, of sharing it—and who, it was now attempted to be argued, had forfeited—not forfeited, indeed, but had lost—her just claim to it.

"There was another subject of great importance to which he would allude, and that was, to the argument which had been advanced by his learned friend (Mr. Brougham) on a former occasion, founded upon decisions not only of the common law, but of the ecclesiastical courts, to the effect—that marriage was a contract not merely of a religious, but of a civil, nature. He did trust that their lordships would re-consider this important point, involving, as it did, so important and sacred a consideration. He did hope that their lordships would be induced to-morrow, to hear, upon this subject, his learned friend (Dr. Lushington, we believe), who would be much better able to explain to them the ecclesiastical law upon the matter than himself; but, if this indulgence should be refused, he should then ask the assistance of the noble and learned, and reverend prelates, who sat in that house, to explain the subject more fully to their lordships. He had particularly to request that their lordships would consider the balance of evil upon this occasion; and that they would inquire what state-necessity existed for the adoption of the present measure. In any result, he trusted, and he was sure that there would be, upon their lordships' part, nothing like a disregard or undervaluing of the sacred obligations and the civil and religious character of the marriage tie; but that this inquiry being one founded in justice to the moral feeling of the country, that contract, and its grave and important nature, were never to be lost sight of. Comparatively speaking, such an inquiry could do no possible good; but, as their lordships would perceive in its termination might do much positive harm. Here he must repeat, that he did protest and object in the most solemn manner against bills of pains and penalties; and especially against a bill of pains and penalties, in which the scene was laid in foreign states, at a great distance from this country, and carried through a term of six years; and upon which the illus-

trious party had been denied a list of the witnesses against her—a privilege which the usage of inferior courts sanctioned and established in every other case. In point of fact, the application to their lordships, originally, was, that the substantial benefit might be given, and the inconvenience avoided; and this great principle might be recognised, it was submitted, but modified in any manner that to their lordships might appear most suitable and convenient.

"Now, he said that before a grand jury the witnesses publicly presented themselves to be sworn, and the indictment was founded upon their evidence. No man was left in the dark about the charge brought against him, or deprived of the opportunity of knowing what was the character of those who appeared against him. He felt justified in saying, therefore, that, so far from having received any thing like favour at their lordships' hands, her majesty had every reason to complain of the course which had been taken; those times, however, in which that complaint originated were now passed. He again protested, in her majesty's name, against all bills of pains and penalties, but most solemnly against a bill of pains and penalties in a case which admitted of impeachment. He protested against their lordships' declining those duties which the constitution had imposed upon them, and undertaking one which it was not competent for them, and which they were never deemed likely to perform; from which no good consequence was likely to result, and in the discharge of which they must subject themselves to the probability of receiving a check from the other branch of the legislature. While he urged these considerations to their lordships, however, he must also strongly protest against any imputation that himself, or those with whom he was acting, were declining the combat upon which they had entered. They pleaded against the manner, but they did not shrink from the trial.

"On the part of her majesty he might be allowed to observe, that it was painful for him to be compelled to allude to unpleasant circumstances affecting royal and illustrious individuals, or to revive the recollection of many past events, but he trusted

that he should stand acquitted to their lordships for the faithful discharge of his duty to the best of his means and powers. He felt also that he owed to her majesty some apology, because in the course of his argument, he had been necessarily, though hypothetically, led to suppose something like a possibility of guilt under circumstances which, he was sure, never could have existed, and from which her majesty's high honour would have revolted. I beg to say, my lords, that whatever may be enacted,—whatever may be done, by the exertions of any individual, by the perversion of truth, or through the perjury of witnesses,—whatever be the consequences which may follow, and whatever she may suffer,—I will, for one, never withdraw from her those sentiments of dutiful homage which I owe to her rank, to her situation, to her superior mind, to her great and royal heart; nor, my lords, will I ever pay to any one who may usurp her majesty's station, that respect which belongs alone to her whom the laws of God and man have made the consort of the king, and the queen of these kingdoms."

Mr. Denman having finished speaking, her majesty, accompanied by Lady A. Hamilton, rose from her seat, and quitted the house for a short interval.

The Attorney-general then rose.—"He could not refrain from observing, after his learned friend had addressed their lordships with so much ability in this stage of the proceeding, that he thought they could have no reason to regret the election they had made subsequently to the objection which was taken yesterday; because (undoubtedly, in consequence of the license with which their lordships had indulged them upon the present occasion,) they had had all the advantage which they possibly could have obtained in this stage of the proceedings, by statements of facts, which, although they were all introduced into this part of the case as facts, he must contend were not yet founded on the evidence before their lordships; by assumptions, gratuitously made; and by calumnies (an expression by which he meant not the slightest disrespect

to his learned friends, but he must repeat it,) by calumnies, unsupported, at present, by any thing but their own assertion. He found himself, therefore, placed in this most difficult of all situations, prepared as he was, and had come there, to argue the only question which he understood to be before their lordships,—namely, the principle of this bill. He was now driven, by the course which his learned friends had taken, to consider the facts of the case as they had chosen to represent them. He stood, therefore, under this disadvantage,—that while their assertions would go forth to their lordships and to the world as having been made by them from their own knowledge of the facts, he was not, in this stage, at liberty to contradict them. The matter of that statement, however, was not before their lordships in evidence; but it had been reasoned upon as if the whole of it were true and indisputable. Their lordships' passions had been worked upon, and their feelings led away by the eloquence which had been exhausted upon subjects foreign to the question before them. That simple dry question he understood to be this, 'whether or not, assuming the preamble of this bill to be proved on evidence (because even his learned friends in their argument were obliged to assume that,)—whether or not the bill was sustainable upon principle?' Such, as he supposed, was the only question for their lordships' consideration. He did, therefore, most solemnly implore, and most earnestly entreat them, before he came to meet that part of the argument, to banish from their minds those impressions which could not fail to have been made upon them by the most eloquent addresses of his learned friends, and in particular, by that which they had just heard. But giving that learned friend all due credit, and every due tribute of respect for the great eloquence and talents which he had displayed, yet he would say, that nine-tenths of his statement were wholly foreign to the subject before their lordships; and, upon a calm and dispassionate consideration, he trusted that it could not have the least effect upon their lordships' minds in coming to a decision upon the only question which was now in truth before them,—whether or no

they would proceed in the inquiry? And then, supposing it to be proceeded in, and that they should think the evidence satisfactorily made out, the serious, grave, and, at the same time, disgusting charge against her majesty,—whether their lordships would be prepared to say, that this bill should not pass; or that it had something so horrible in its principle, that it should not proceed, or be followed up by the enactments which were contained in it? But now he came to argue this question, perhaps they would allow him to recur to the manner in which it had been argued by her majesty's counsel.

"It had been stated, and to-day his learned friend had expressly admitted, that, in arguing this case, the preamble of the bill must be considered as established by testimony; and yet their lordships were told of suborned evidence, perjured witnesses, calumniators, spies, and traducers. If all this were so even (which he denied,) it did not come before them at the proper time. This was not dealing with the question plainly and openly. It was tampering with their lordships' feelings, and treating the subject quite unfairly: because the question simply was, and briefly, whether this bill should not be proceeded in to all its subsequent stages, provided the preamble should be proved? But here he was in another difficulty. Another objection had been started by his learned friend to-day, who had gone through the preamble, and had attacked, not only the manner in which it was worded, but who had gone into the whole history of the manner, (and he supposed it was competent for the learned gentleman to do so, by their lordships having permitted him,) in which the bill had been framed and introduced; and then had proceeded to argue that her majesty laboured under a disadvantage from the proceeding which had been adopted, to which she would not have been liable in the case of a proceeding before a grand-jury, afterwards referred to another jury. But he (the attorney-general,) imagined that their lordships must have been satisfied, yesterday, that no such proceeding, in this instance, could take place.

"If the acts in question had been committed in this coun-

try, they would have subjected her majesty to a charge of high treason, and to the consequences of such a crime. But by reason of their being alleged to have been committed with a foreigner, and in a foreign state, her majesty escaped from the charge, and from the punishment of the offence: she became, on that account, not amenable to the law of high treason. His learned friends had dwelt at great length, and, no doubt, with effect, on the circumstance of their lordships having referred the papers to a secret committee, and having introduced a measure upon the recommendation of that committee. His learned friend had stated that a secret committee had been assimilated to a grand jury; but that, in the present case, they had proceeded upon evidence which no grand jury would go upon, and found on it a charge which no grand jury would find. But their lordships would allow him to ask, whether the secret committee had found any thing against the queen, as a finding by them? According to the words of their report, they considered that there was a serious ground of accusation against the queen from what they had seen; and that, in their opinion, that accusation did so much affect, not only the character of her majesty, but the honour and dignity of the crown, as to render some legislative enactment necessary. Then, with respect to the proceedings of this secret committee, the learned gentleman said that the secret committee had not recommended this bill. Why, they recommended some legislative proceeding, and that must be a bill. Such being the case, he would ask, whether any objection could be taken to their recommendation? He would affirm, moreover, that this was not only the most regular, but the only proceeding which could be adopted upon the occasion. But, whether it was or was not, at any rate that was not the question now before their lordships. They had already decided upon that point, by agreeing that it should be read a first time; and the question now was, whether it should proceed? It had been said, that the secret committee had proceeded upon unvouched documents, and on such alone. He had no reason for knowing what those documents were more than his learned friend; but

he firmly believed, that to many of the depositions the witnesses had been sworn. But why was all this matter addressed to their lordships? It was not at all in point; and they had already decided upon the matter: the bill was founded upon the recommendation of a legislative proceeding, retained by the secret committee.

"One observation had been made by his learned friend, which he thought a very extraordinary one, coming from a lawyer as he was. He complained that the preamble of this bill contained that which indictments at common law did not contain, namely, the evidence on which the indictment was founded—that the evidence intended to be brought forward against her majesty was recited in the preamble. But had his learned friend forgotten that even the common law, foreseeing the hardships which might arise in some cases—in cases of the highest crime known to the state, high treason—had enacted, that not only should the charge be stated in the proceedings, but the evidence also upon which that charge was brought? The honourable and learned gentleman then went on to argue upon the equity and humanity of this provision, and to contend that, had the case been different in this instance, his learned friends would have argued with equal zeal for such a framing of the preamble as that they now decried. He maintained that, so far from the words 'adulterous intercourse' being any new form in bills of divorce, sued for in that house, on account of criminal conversation, illicit intercourse, *&c.*, they occurred in at least nine-tenths of all such bills ever laid upon their lordships' table; but, in fact, the acts which were to be proved before their lordships were charged, and not merely generally laid.

"As to what had been said by Mr. Denman, in regard to her Majesty's promotion of Bergami from a menial station, and the sort of ridicule and humour with which he viewed the charge of illicit intercourse, and the different construction and feeling entertained by other nations upon the subject of decency and decorum, upon which the learned gentleman had also dwelt—the time for the discussion of these points was not

yet come; but they were to be argued by and by. As to a series of facts being charged, and not a specific act, he would ask their lordships, whether the same thing did not occur in Bishop Atterbury's case? (Here the Attorney-General read an extract from the bill of pains and penalties enacted in that case; and argued, that the principle of that measure was the same as had been observed in the present one.) It had been strangely objected as against the bill before their lordships, that the secret committee had not expressed any opinion of their own in their report: surely not, it was for their lordships to form their opinions. (The honourable and learned gentleman then entered into a defence o the conduct of those who had endeavoured to prevent the further proceeding of this inquiry. At the time they made those efforts the bill was not in its present stage, and therefore the ridicule of his learned friend was not merited.) It had been complained that this measure was not before their lordships acting in their judicial character, as they would have been acting had they resorted to an impeachment. But it was matter of doubt, however decidedly the contrary position had been assumed by his learned friends, whether an impeachment in this case could be made. The learned gentleman went on to shew, that if, in point of fact, an impeachment had been adopted, his learned friends would have been prepared with arguments of exactly an opposite tendency to show the inexpediency of such a measure.

"Adverting to the manner in which the queen's counsel had characterized the tainted evidence, and, as they called them, the false charges, he remarked that it was not competent for them to make such illusions to the evidence before it had been heard; and, as far as he knew, he would venture to say, that it was of as fair a description as had ever been uttered before that tribunal. It was as unjust as illiberal to attempt to traduce the character of those whose depositions were not yet known even to counsel themselves. His learned friends on the other side had introduced a variety of topics before the proper time, and by decrying the evidence ere the

character of it was known, they had acted in a manner as unjust and as partial as could be conceived. The indulgence which the house had granted them of being heard against the principle of the measure in the present stage, had, in his opinion, been much abused; for, instead of limiting their arguments to the principle of the bill, they had launched into inuendoes, insinuations, and assertions, which ought not to have been made. Whatever respect he might entertain personally for his learned friends, it was his duty to observe that they did not stand there in the character of witnesses, and that therefore their lordships could pay no regard to their sweeping statements of facts, or to topics introduced with the view of influencing the house in its decision, though irrelevant to the question under consideration. His learned friends had called their lordships' attention to the protest which had been entered against this mode of proceeding in the case of Bishop Atterbury, and which had been drawn up by the then Lord Chancellor Cowper."

[Here Lord Holland smiled, and Mr. Brougham whispered to the Attorney-General, that Lord Cowper was not chancellor at the time he protested against that bill.]

The Attorney-General then resumed his speech: "True," said he; "Lord Cowper was afterwards Lord Chancellor; but he wished their lordships to observe, that one of the principal objections recorded in that protest was, that proceedings of this kind were in their nature, though not in form, judicial. In a case such as this their lordships were sitting to receive evidence, and though their functions might not be so purely judicial as in a case of impeachment, still they were bound to look at the evidence as scrupulously as if the present were a trial by impeachment. Did his learned friends suppose that their lordships were on this occasion to abandon that high principle of judicial impartiality—that they were not to regulate their decision by the evidence, but that their minds were to be swayed by some base motives different from those which operated on them in cases of impeachment? When his learned friends addressed their lordships on such topics, he

was confident that their arguments would have no influence for this, though not in form, was in substance a judicial proceeding. Another principal objection urged by the protesters in the case of the Bishop of Rochester was the proceeding by bill, instead of articles of impeachment, which necessarily brought the question under the decision of two tribunals, and thus in fact allowed two trials instead of one. They thought that the greatest mischief of the course pursued consisted in their lordships' giving up the judgment which belonged to them, and transferring it to another tribunal not so competent to conduct a judicial investigation, and where popular feelings and passions were likely to have greater influence. But this, looking at what was passing out of doors, was not an objection which the queen was likely to take to the present mode of proceeding. Indeed, he should have thought that this protest would have been the last that his learned friends would have referred to; for it proceeded on the nice sense entertained by the protesters of the dignity of the house, and their unwillingness to have its judicial functions transferred to the other house of parliament.

"Another objection in that case was, that Bishop Atterbury was amenable to the common tribunals of the country, and therefore it was thought improper to interfere with the ordinary courts of justice. In the present case, however, their lordships had the opinion of the judges that no inquiry could take place in the courts of justice. If he had not known it to be the opinion of others in whose legal judgment he could confide, that the charge contained in the preamble of this bill did not amount to high treason—an opinion which fortunately was now formally sanctioned by the highest authorities that could be referred to, he would not have presumed to stand at their lordships' bar as the advocate of the present course of proceeding. He would have referred to the protest in the case of Atterbury, for then the argument of his learned friend would have been triumphant, that there was no necessity for carrying the inquiry away from the ordinary tribunals of justice. That question, however, was now set at rest, and he rejoiced it was

so, because he well knew that there were many conscientious and honourable persons who had doubts on the subject, and who had a right to demand that these doubts should be satisfied. That uncertainty was now removed, and he boldly challenged his learned friends to the argument, and defied them to produce a single case in support of their assertion, that the facts alleged in the preamble of this bill would bear out an impeachment, and that, consequently, an impeachment was the course that ought to have been adopted. Though he was not prepared to say that an impeachment could not be resorted to in even a doubtful case, yet, if there was a doubt as to the competency of that mode of proceeding, he contended that that was a sufficient reason for pursuing another course. Thus, he conceived, an answer was furnished to the only point he had heard advanced against the principle of the bill, excepting those declamatory topics which his learned friends had thought proper to introduce, but which he should no presume to follow up. How should he be arraigned if he far forgot himself as to expatiate on the enormities o the charge contained in the preamble of this bill against a person of the high rank of queen, then indeed a princess, but niece to the late King of Prussia, and next in rank to the Queen of England? How should he be arraigned by his learned friends, if he in the present stage were to enlarge on the evidence about to be produced? The pain of the task would be great enough, God knew, when the necessity arrived; but at present he refrained, both from a sense of what was due to the illustrious individual who was the object of the inquiry, and to their lordships, as well as from a conviction that the public ought to be kept unacquainted with such disgusting details. He would not, however, pass over in silence the remarks which had been made on the means of obtaining the evidence, and on the motives which it was alleged might operate on the minds of some noble lords. To these remarks he must indeed submit, but he implored their lordships to dismiss them from their minds, and to weigh the case solely by its own merits. Such topics should surely be avoided in an

assembly acting, according to the protest which had been referred to, in a judicial character only. In point of fact, his learned friends, had advanced only one argument on the principle of the bill.

" His learned friend, Mr. Brougham, had alluded to what should always be atended to—the nature of a bill of pains and penalties as an *ex post facto* law. But let their lordships look at the circumstances. The highest crime against the state was alleged to have been committed by the Princess of Wales. If it had been committed in this country, the penalty would have been death; but it happened to have occurred abroad, and therefore it was not within the penalty of law.

" The crime was charged to have been committed with a menial, to have been continued during a long course of time, and to have been accompanied on her part with conduct the most licentious and disgraceful. Was this not an offence that ought to be treated with the sense which the bill expressed of its enormity? Was it to be passed over with impunity because it was committed in Italy? If it would have put her on her defence for her character and her life in this country, was it to be passed over abroad? Were they to say, that such conduct should not be punished, because the law that punished it was *ex post facto?* What was every divorce bill but an *ex post facto* law? The law of the land said that the marriage contract was indissoluble, but the complaining party said it was violated, and came to their lordships to pass an *ex post facto* law, to annul the marriage, and degrade the offending party.

" The consequence of a divorce was to degrade the party from the rank formerly enjoyed; and thus, though it was not a bill of pains and penalties, its effect was the same. But it had been argued by his learned friend, Mr. Brougham, that the queen should not be made responsible for her conduct, because she had no notice that she was doing wrong. Her majesty was therefore to say, 'True, I have been this abandoned being; I have committed this scandalous crime, but I have come to England, and you must not punish me.' In reply to this he would say, 'because the crime has been committed

with a foreigner, by which it is only rendered the more scandalous and degrading to the country, we cannot punish it by the existing laws; but we cannot allow it to pass with impunity, and therefore we will annul the marriage with the monarch.' This he conceived to be a sufficient answer on that point, and he should therefore proceed to the next argument advanced on the other side, which was that the charges in the preamble of this bill would support an impeachment. Some persons thought it doubtful whether an impeachment could not be sustained for an offence not known to the law of the land; and, in support of the opinion that it could, the case of Lord Somers had been referred to, who was impeached on account of the Partition Treaty. He apprehended, however, that high official persons were guilty of a misdemeanor if they neglected or violated their duty: if any public functionary abused the power with which he was invested, he was guilty of a crime against the state.

"The guilt of the queen, being committed abroad, was not known to the law, and therefore could not be reached by impeachment, according to the doctrine of Blackstone. A public functionary, like Lord Somers, might be impeached for a breach of his official duties; but that case was not analogous to the present. He defied the other side to produce any instance of an impeachment for an offence not known to the law of the land; and if they could not produce such a case, their argument must fall to the ground. But, even if the point were doubtful, their lordships were right in adopting the present course, which, among its other advantages, gave the accused the benefit of an additional tribunal.

"The house had been addressed on the expediency of the measure, but that was not the question for their lordships' consideration at present. What, he would ask, had her majesty just now to do with that question? Her guilt or her innocence would not be affected by the expediency of the measure: she courted inquiry, and this bill was the same to her in that respect as an impeachment. Again, it had been said, that their lordships were now visiting on her majesty

what she had done as Princess of Wales. This topic seemed also to have been introduced more for the sake of effect than of argument; but, like many other points dwelt on by his learned friends, it was wholly destitute of solidity; for, as queen, her situation, in point of responsibility, was the same as when Princess of Wales. If the alleged crime had been committed in this country, she would have been equally amenable to the laws in both cases; and by being committed abroad, it rendered her situation the same in either station. She was deprived of no advantage on the present occasion to which she would have been entitled as Princess of Wales, and therefore on this ground she did not experience that inconvenience which had been represented.

"Again, it had been said that this bill was introduced with a view to the private interests of the king. What! In a case which would have been one of high treason if the offence had been committed in this country, was not the crime, in the eye of reason, equally to be visited as a public offence, although committed abroad? If our ancestors thought that adultery in such cases ought to be visited with the highest penalties of the law, did they not consider it a public offence? Had they guarded it in such a manner by the statute of Edward III., and yet were their lordships and the country to say that a queen, who had committed the crimes charged in the preamble of this bill, was fit and worthy to sit on the throne of these realms? Be it as his learned friends had said, that their lordships were not to pass this bill, unless such evidence of the adultery were produced as would satisfy a jury, he should say, that if the charge of adultery was not proved, the question would arise, whether any of the enactments of the bill should remain on the proof of the other parts of the preamble, if the other parts were substantiated by evidence. His learned friends said, 'You are to retain your enactment, even if the adultery is not proved;' and to this he would reply, that the present was not the proper stage for the consideration of that question, for counsel were not to anticipate what their lordships in their wisdom might think proper to do in that event. He was aware that in going

over the arguments of the learned counsel to whom he was opposed, he might have omitted many points on which they had dwelt. He knew he had passed over the declamation in which they had indulged, and he conceived that there was an imperative call on him not to follow them in that course.

" He felt that he was addressing a grave assembly, composed of persons of the highest rank, attainments, and honour, in the country; and he knew that on such an occasion appeals to the passions, however they might excite admiration for the advocate at the bar, would ultimately be of no effect. Their lordships were not to be made, either by entreaty, by hints, or by menaces, to swerve from the straight-forward path of duty. He was aware that this, as it had been called by his learned friend Mr. Denman, was a tremendous inquiry: he knew that the peace of the country might be affected by it; but he knew also that clamour would have no effect on their lordships' minds. He was not appalled; he did not fear for the future: he had such confidence in the good sense of the country, that he felt assured, when the facts were before them which had hitherto been concealed, and in ignorance of which their minds had artfully been wrought on, they would see the necessity and the propriety of the course that had been resorted to. The question was a momentous one, affecting not only the parties immediately concerned, but the dignity and honour of the country itself. If innocent, however, the party accused need not fear your lordships' judgment. If guilty, I am sure that nothing can be stated which will induce you to swerve from the path of duty; but that, fearless of popular clamour, you will put your hand to your hearts, and decide conscientiously and justly. By your lordships' decision you will satisfy the public, that while the meanest subject in the realm is protected by innocence, the highest subject cannot offend with impunity."

The Solicitor-General followed on the same side. " He had also to trouble their lordships on that which had been properly characterized as a most important and most momentous question. He confessed that he participated in

the feelings which had been expressed by the Attorney-General respecting the conduct pursued by the learned gentlemen on the other side. He had understood that they came to their lordships' bar calmly and temperately to discuss a grave, dry, legal, constitutional question: such he conceived to have been the question proposed by the house to the counsel on both sides. But his learned friends, deviating from this course, and indulging in personal invective, had accused the individuals who had instituted this proceeding of the most corrupt conduct, and had charged the persons who assisted in collecting the evidence with subornation of perjury, and a most horrible violation of justice, in attempting to make out a case against the high personage accused. The learned gentlemen, by the foul and unfounded aspersions which they had cast out, had put themselves out of the situation of defendants of this case. The charges which they had advanced were wholly false; he dared them to the proof, and he well knew what would be the result of the trial as to the conduct of the individuals directing the proceedings. He had said, that the question, in his view of it, was of the most simple description.

"The queen-consort, committing adultery with a person owing allegiance to the crown, was guilty of high treason, whether the crime was committed within the realm or abroad: that was the law of the land. But, by a refined and technical distinction, which had given occasion for much debate and serious consideration, and on which the opinion of the judges had been taken, it turned out that this offence, if committed with a foreigner abroad, however vicious, abandoned, and scandalous it might be, was not only no treason, but was not even cognizable by the law of the land. But did it therefore follow that it was to pass unpunished? In arguing the question, he was forced to assume the truth of the allegations contained in the preamble of the bill; for the learned gentlemen on the other side contended, that if any thing charged were proved, the bill ought not to pass into a law. On the issue of that question he would meet them, and he should assume, for the sake of argument, that all the facts were made out to

the satisfaction of that tribunal. Well, if the queen-consort was guilty of a crime but one shade removed from the highest crime known to the law—of the deepest dye either in a religious, a moral, or a civil point of view—was a person so regardless of what she owed to the country, to the crown, and to her rank, to sit on the throne by the side of the monarch of these realms? It had been argued by his learned friend (Mr. Brougham), that because this was no crime known to the law of the land, no penalty or punishment should attach to it, and no inquiry should be instituted respecting it; and then both he and Mr. Denman had gone on to say, that if any proceeding were resorted to, it should not have been by a bill of pains and penalties, but by articles of impeachment. Now, as to the first of these positions, he was confident that barely stating the facts would be sufficient to ensure their lordships' decision in favour of the view he took of the question; for could he address an assembly of men of honour, stating that such scandalous conduct had taken place, and at the same time affirm that the person who had been guilty of it was worthy to remain upon the throne of England? There were two courses that might be adopted—the one the bill now upon the table, and the other an impeachment. What was the nature of that bill? In the preamble the offence was charged, an offence committed with a foreigner abroad, and therefore not cognizable by the ordinary tribunals of the country. What did the bill enact? A dissolution of marriage, and a deprivation of rank and dignity. Was this, or was it not, an enactment that ought to follow on the proof of the facts of the preamble? For his argument, he assumed that they could be proved: and was the Sovereign in this respect to be placed in a worse situation than any subject in his realm? If a case of adultery were established before the house in the case of the meanest individual, divorce followed of course; and had not the king the same privilege?

"This was a bill of pains and penalties; but in every common bill of divorce the same consequence followed, the same penalties attached. The queen was to be deprived of her

station and dignity; and if the wife of a peer committed adultery, she suffered the same degradation. A bill of divorce, therefore, was a bill of the same nature and character as that now before the house. With great gravity, and with a power of eloquence seldom equalled, the counsel on the other side had endeavoured to impress their lordships with a notion that this was a new case, that it was out of the ordinary course of proceeding, when, in fact, it was only what happened every day. Next it was said to be an *ex post facto* law; but trying it again by the same test, every bill of divorce was an *ex post facto* law.

"These observations dispensed with the necessity of answering that part of the argument where the supporters of the bill were called upon to make out some strong case of necessity; and he appealed to the house, whether there ever was a bill of pains and penalties more called for, assuming that the evidence established the preamble. Was it to be tolerated in this kingdom, that such an offence, and such a series of conduct, should be passed over with impunity? Was it to be tolerated that an individual so demeaning herself should fill the highest station in the country, and should continue to set an example of such pernicious and extensive operation?

"Looking at the case of the Bishop of Rochester and others, he should say that if this were to turn on the point of necessity, the necessity dictating those measures sank into nothing compared with the paramount compulsion for the present bill. He agreed in what had been urged on the other side, though suggested in the shape of a charge, with respect to the possibility of avoiding these discussions. Silence upon this subject could hardly be purchased at too dear a price; but the moment the queen challenged inquiry, the moment she asserted her innocence; the moment she sat her foot in the country, and claimed her rank and privileges as queen consort, it became impossible to shun this dreadful proceeding. Let them insist that great concessions and sacrifices were offered as the means of arresting it; but her majesty, relying, it was to be presumed, on her innocence, put an end to

the possibility of trifling with the subject, and made it absolutely necessary to proceed.

"The queen's attorney-general had referred to most atrocious instances of violence. He had quoted the attainder of Mortimer and its subsequent reversion, but it had no connexion with this case. The precedent of Lord Strafford was equally irrelevant. When the popular party failed to make out a case of treason against Strafford, he became the victim of a bill of attainder, and the reasons for its reversion were stated with equal eloquence from the beginning to the end of the preamble. When the bill of attainder was brought into the House of Commons, it was known that it passed in consequence of the immense multitudes assembling day after day to overawe and intimidate its members. A similar cause had forced it through the Lords, and the manner in which a reluctant assent had at last been extorted from Charles I. was well remembered. Was it extraordinary that such a bill should have been repealed, or did it form any objection to the principle of bills of pains and penalties? Were they not as old as the law and constitution of the country, and were they not an essential part of that law and constitution? Was there any well-wisher to the popular and free part of our constitution, who would wish that portion of it to be rescinded and abolished? The measure now on the table followed as nearly as possible those bills of divorce which every session were brought in and passed without a murmur.

"The queen's Attorney-General, with a kind of candour for which no thanks were due, consented to pass over the reign of Henry VIII., though in a subsequent part of his speech he again dragged it forward. If any precedent existed of that time applicable either to the law or the facts of this case, let them be boldly and fairly stated, and they should be as boldly and fairly met. He (the Solicitor-General) was not afraid of charges openly made; but for dark insinuations, for distant and oblique hints, in which the queen's Attorney-General so abundantly indulged, and for which he was so celebrated, he had no great predilection. He repeated, if

instances were to be brought from any period of our history, however bad the time, or however arbitrary the monarch, let them be boldly and manfully stated, and the supporters of the bill had nothing to fear.

"It was asked, as this was a bill of pains and penalties enacting divorce, who was the complaining party? In ordinary cases, said they, bills of divorce are not passed unless the husband appears, and gives his consent to the rescinding of the matrimonial contract. True it was that the king was not here the complaining party: it did not suit his high character and station to come before this court as the complaining party; but, knowing the facts of the case, he pursued the course befitting his dignified and princely capacity; he ordered the papers to be laid before the parliament, that it might deal with the case as to its wisdom might seem meet. Thus he became a consenting, though not a complaining, party.

"When the queen's attorney-general had stated that he would not enter into the question of recrimination, he had acted with perfect propriety, recollecting the question before the house; recrimination had nothing to do with that question; it had nothing to do with the principle of the bill, though it might hereafter remain to be decided, when the case on one side was closed, how far recrimination should be allowed. But the queen's solicitor-general had not followed in the steps of his leader; he had gone at large into the question of recrimination. His mind and habits of reasoning must have revolted at the course, because he knew that it was inapplicable. It had been the misfortune of these proceedings, from the commencement, and throughout every stage, that collateral topics, calculated to excite prejudice, and to inflame the passions of the multitude; to create distraction in the country, and to shake the very foundations of the monarchy, had been introduced by the professional and unprofessional advisers of the queen. He deeply lamented the fact, and whether the same course were still to be pursued he knew not, but, judging from the past, he had little to hope for the future.

" He took it for granted, then, that it would not be denied that some remedy was necessary, and the great majority of their lordships, he trusted, would be of opinion that the remedy before the house was that which ought to be afforded. It was, however, urged on the other side, that the queen ought to have been impeached; but he relied on the authority of Mr. Justice Blackstone, cited by his learned friend, to shew that there existed no case of impeachment, not founded on some crime known to the common law, or on some malversation or misconduct in a public officer. On this point, he begged to be understood as not expressing a confident opinion, but as stating at least a strong doubt whether impeachment in this case could have been maintained. Giving the other side the benefit of this doubt, would it be contended that a remedy ought to have been sought in a measure that, on all hands, admitted so much argument as to its legality. Had impeachment been resorted to, the counsel for the queen would have been the loudest to arraign that course,—they would have insisted that it was inconsistent with the law and constitution of the country; that it was inadequate to its end; and that it was attended with a multitude of hardships to the accused. Besides, what sort of remedy would it afford to the injured party? Was it appropriate to this case? Could any punishment be inflicted under it but those which went to the life, liberty, or property of the offender? An impeachment could not divorce,—it could not degrade from rank and dignity, though it might inflict capital punishment, and direct imprisonment.

" If what he now stated were not universally assented to, he wished those who dissented to point out any case of impeachment which did not range itself within the class he had mentioned. When, however, the other side talked of the benefits resulting to the accused from impeachment, he confidently asked, what advantage she could have then enjoyed which her majesty would not now possess in a superior degree? First, the accusation must have proceeded from the house of commons, and it must have been built on previous

inquiry. It would then come before their lordships, where the inquiry must be renewed. In a proceeding by bill, on the other hand, the witnesses on both sides having been examined here, it would be sent down to the other house; nor did it follow as a necessary consequence that it would pass there; at least the examinations must there be renewed, and every means would be afforded to her majesty of meeting the case. Nor in an impeachment would the charge be of a more specific and more distinct nature than in the preamble of this bill. It was said that, in an impeachment, time and place must be stated, but here all that could be specified had been specified. The name of the adulterer was inserted, but the adultery was extended over a period of two years, and was confined to one, two, or three kingdoms; it embraced a considerable portion of the globe, and how then could it be more accurately defined? The learned counsel on the other side had also run away with a notion that it was unnecessary to be as precise in an impeachment as in an indictment; but if they looked only at the precedent of Sacheverell, they would find themselves mistaken.

"He had thus endeavoured to shew that the proceeding by bill was distinctly applicable to this case, and that it was analogous to the proceedings of parliament, while an impeachment was inconvenient to the parties, inadequate to the remedy, and productive of no advantage to counterbalance the doubts and difficulties attending it. If, then, a choice must be made, why was this bill to be rejected? Having said thus much, it appeared to him that he had argued the whole question, without going out of the way to call the attention of the house to collateral matters.

"Another objection had then been taken, and it was said that the law did not apply to the state of her majesty as princess of Wales, and her attorney-general had contended that she was entitled now to all those advantages to which two or three years ago she would have had a right, *nunc pro tunc*. But the situation of the wife of the Prince of Wales was precisely the same as that of the wife of the king, as far as

related to the imputations in the bill; and, if the offence had been committed at the time when her majesty was the wife of the Prince Regent, the same reasons of policy governing the present proceeding would then have applied. Next, it was said that marriage was a religious contract, and that the house ought to be careful how it severed the holy knot; but the same argument applied to every bill of divorce; adultery dissolved the tie, and set the parties free; so that it had no application to the present proceeding.

"The language of the preamble had been criticised; this was no offence, that was no offence, and a third charge was no offence. Taking them separately, he agreed that it was so: one, two, or three facts in the preamble might not amount to any offence; but, taking them collectively as parts of a whole, they constituted an offence of an enormous character. What did the preamble state? That the queen of England, then wife of the prince Regent, went to Italy; that she engaged a menial servant, long in a similar situation, as an attendant: that great familiarity and improper intimacy very shortly afterwards took place between them, and that she loaded him with favours and honours of every description; that she found herself bound almost exclusively with his relations; that in the eyes of the whole world a degrading and disgusting intercourse was held between them; and that this licentious and adulterous conduct was pursued for a great length of time. Would any man contend that this charge was not stated in language so precise and distinct that it could not be misundersood? No man, who did not wilfully shut his eyes, could mistake it. Then the terms 'adulterous intercourse' were cavilled at, for there was nothing, however small, that escaped observation, or however great, that was not forced into the discussion. But to this the attorney-general had given a satisfactory answer, which showed how lax and sluggish the other side were to discover any thing militating against them.

"The great majority of bills of divorce stated, not that adultery had been committed, but that an adulterous intercourse had been carried on, and a succession of adulterous

acts were charged in the preamble of the bill. The counsel for the queen seemed to think that there was no difference between adultery committed by a man and by a woman. This was a most extraordinary proposition, whether considered legally, or with reference to its effects upon society. Adultery in a man was in no way punishable, and it could not be made the subject of a bill of divorce. But why was this topic introduced? For a most strange and unjustifiable purpose. He should have thought that the common feeling of delicacy and humanity, which he knew pervaded the bosoms of his learned friends, would have compelled abstinence at least on this point. It was an unwarrantable, because an unnecessary, attack upon an illustrious personage, whose conduct had been twice dragged before the house. His great talents and popularity throughout the country, might at all times, but more particularly at the present moment, have shielded him from so cruel and so wanton an assault. Knowing from what quarter it proceeded, it filled him with surprise and amazement.

"The attorney-general for the queen had asserted, that there were some individuals who encouraged her majesty to go abroad; and both her counsel had intimated, in terms too distinct to be misunderstood, that there were those who wished that she should leave the kingdom, that she might fall a victim to one of the most foul conspiracies that had ever entered into the heart of man. He mentioned this as an indication of the spirit and temper with which this discussion had been conducted, and of the strange infatuation that seemed to prevail in some quarters. Was it meant as a charge against ministers? Was it possible to suppose that such detestable wickedness could enter into the minds of the basest in society, much less into the minds of men refined by education, polished by intercourse with the highest classes, and raised by their talents to the highest functions of the state? Could they invent such a plot, and concert such a diabolical conspiracy? But it was of a piece with the rest; it was of a piece with the same spirit which had censured the great anxiety felt that the queen should continue on the Continent, and for which such a sacri-

fice would have been made. If that proceeding deserved condemnation, all the parties who were actors in it were equally to blame. The man who received, the man who bore, and the man who assented to the proposal, were to the full as bad as the man who made it. But he (the solicitor-general) believed that no blame was to be imputed to any person; he believed it was the best advice that could be given, and he wished to Heaven that it had been followed.

"He would not trouble the house further; he was sensible that in his observations for the last ten minutes he had been deviating from the course he had prescribed to himself; he had been following the wandering course of his learned friends into collateral matters unconnected with the real question before the house. First, it was to be decided whether any proceeding should be instituted; if any, two modes presented themselves—by bill, and by impeachment; and he was persuaded that the house would not abandon the measure it had adopted for one liable to so many and to such important objections."

Mr. Brougham immediately proceeded to reply.—"So very little had been urged in answer to the objections raised to the bill on the table, that he felt hardly called upon at all to avail himself of the indulgence of their lordships in hearing him again. At all events he should now strictly confine himself to a few topics advanced on the other side, and should endeavour to keep a promise, in all our courts much more frequently made than observed."

At this moment a short interruption took place, in consequence of the return of her majesty to her seat, immediately under Mr. Brougham.

"In the first place he would observe, that a vague charge had been brought against the queen's advocates for having deviated from the point immediately before the house, the principle of the bill, by going into a great mass of collateral

matter which in no stage could be relevant. This accusation would not have been made, had those who brought it forward adverted to the manner in which the arguments were introduced. He begged to remind the house that he had set out with stating that this was a legislative proceeding, and that the question was, whether a new law should be made by parliament. Those who resisted it, and endeavoured to arrest the legislature in its progress towards making this new law, were placed in a very different situation to that which they should have occupied if they had had to meet articles of impeachment, or to defend her majesty from charges in a court of law. Their predicament was directly opposite to that in which they would have been placed, had it been their duty to argue any thing but this question—whether the bill should or should not proceed? The distinction between the two cases was most broadly marked out; it let in every argument of expediency—every argument which the lawgiver ought to take into consideration; above all, with a view to the peculiar aspect of this question, it let in every point of necessity, and all matters that could be urged regarding the circumstances under which the bill was introduced. Strictly, and even technically, it admitted every one of the topics which either he or his learned coadjutor had urged on both days of discussion.

"In adverting to what had fallen from the other side, the first thing to be remembered was the eloquent and elaborate eulogy the solicitor-general had thought fit to pass on bills of pains and penalties in the abstract. According to him, they were an integral part of the constitution—an ancient branch of our happy form of government, intimately mixed up and interwoven with our civil and judicial polity,—a sacred portion of our law, which, as he had said, God forbid any man who loves the popular branch of our constitution should ever live to see abolished. Without subscribing to this extravagant praise, he was ready to admit (because in doing so, he used the language of a former lover of the constitution, Lord Chancellor Cowper), that cases might by possibility occur which might not only justify, but enjoin, the enactment of a bill of pains

and penalties. But it still remained for the other side to draw from thence an eulogy of this particular measure, and to satisfy the house that that necessity existed which alone could warrant this proceeding. Upon this want of necessity it was that the queen stood, and her counsel contended, that the bill of pains and penalties ought to proceed no further, because that necessity had not been established.

"It was said, however, that their lordships had already decided the question; that the measure had been read a first time, and that counsel were ordered to attend on the second reading. If so, her majesty's advisers had been both mistaken and misled: they had apprehended that though the bill was received, it had not been finally adopted; and that because the mouths of counsel were shut in the previous stages, they would be allowed to oppose the principle of the bill on the present. They had imagined, for the very reasons urged to the contrary, that they would be allowed to contest both its necessity and expediency, and to show in their real colours, just light, and true magnitude, all the obstacles that presented themselves to its progress. Conceiving this to be the situation in which they were placed, and recalling to their lordships' recollection the reasons which had been yesterday and to-day offered to their consideration, he had now to submit only a few more observations on what had fallen from his learned friends.

"His learned friend, the attorney-general, had made a sweeping declaration, that he could find only one thing to reply to. He asserted that he had heard only one argument from the opponents of the bill; and, because they had but that one, he was resolved to take it from them. His learned friend, the solicitor-general, had said, that the only thing urged against the proceeding was, that as the case was one in which an impeachment would lie, their lordships ought not to go on with the bill. That was, doubtless, one of the arguments, but not the only one, which had been used against it. But there was one argument—and that was sufficient to bear him out—which was, that this bill was unnecessary and inexpedient, and

therefore ought not be gone into. His learned friends, however, were not perfectly consistent in their tone. They had no sooner declared that the law, as laid down on his (Mr. Brougham's) side, was wrong, when they turned round, and said it was doubtful. They first denied that there could be any impeachment, and then they admitted that it was only doubtful. Here he would ask, was there any declaratory law on the subject? Had the question ever been put to that house, or to the whole legislature, whether an impeachment could proceed in the present case? Their lordships had never yet had before them any measure, saying, in its preamble, that doubts do exist; they had only heard it asserted that it was doubtful, or was held to be doubtful, whether an impeachment could be instituted. He, on the contrary, denied that the case was doubtful, and did say that an impeachment would lie.

"When his learned friends charged him with having shut his eyes on points of the history of parliament with respect to impeachment, he would charge them with having shut their eyes, not only on single points, but on chapters and volumes of that history. The learned attorney-general had held that no impeachment could lie unless some law was violated; but this opinion was contrary to the doctrine laid down by the greatest writers on the law of impeachment. Lord Coke did not so limit the power of parliament; he regarded that power as most extensive, and, in describing it, quoted the remarkable expression, that it was so large and capacious, he could not place bounds to it either in space or time. In short, this maxim had been laid down as irrefragable, that wherever mischief is done, and no remedy could otherwise be obtained, it is competent to parliament to impeach.

"His learned friend, though doubtless knowing the history of many impeachments, had brought forward none but such as served by way of exception to his rule. He had said that impeachment could only proceed on violations of law, except in cases where a person in a public office abused his trust. Now, why was impeachment competent in the case of the misdemeanor of a public functionary? Expressly,

because no remedy was to be found by any other means; because an act had been committed which justice required should be punished, but which only could be reached by parliament. There could be no other than this reason for his learned friend excepting misdeameanors by a public functionary from his sweeping rule with regard to impeachment. But did not that exception apply to the very case before their lordships? His learned friends would find, upon reflection, that there was no public functionary more fully recognised than the queen-consort of England. The argument was, therefore, in every view, unsound. It happened that the very first impeachment which occurred in the history of parliament was one which neither related to a public officer, nor to offences known to the law. It was the case of Richard Lyons and others, who were complained of for removing the staple of wool to Paris, for lending money to the king on usurious contracts. The statute against usury had not then passed, and there were various other charges against the parties which formed no legal offence. The case was one in which merchants were, among other things, charged with compounding duties with the king for a small per centage. They were also complained of for divers extortions committed in various ways, public and private. Some of these last matters formed grounds of substantive charge: but those offences which were violations of law, did not constitute one-fourth of the charges, and the case was as good authority to show that the other acts complained of were impeachable as if the last had been entirely omitted.

"He would not go over all the impeachments which had occurred; such a task was far from being necessary; but he could not help reminding his learned friend of a case which was the more remarkable from its being recorded in Coke's Institutes. He meant the case of Sir Giles Montfaucon, for the sale of patents. This was not an indictable offence, and therefore, according to the doctrine of his learned friends, could not form a ground for impeachment. Since the Revolution many instances of impeachments could be cited, in

which charges were preferred for acts which did not constitute indictable offences. Did his learned friend really mean to say, that no impeachment could be instituted for an offence, the commission of which would not be visited by at least a penalty of five pounds? In the name of the other house of parliament, he protested against this doctrine. That house would exercise the right of impeaching, not because the offence complained of was liable to a five-pounds' penalty—not because it was indictable—but because some evil had been committed which the ordinary course of law could not reach. This, he conceived, was the only constitutional principle on which impeachment rested. There was no sort of offence to which impeachment might not be applied. The case of Barron and others, for smuggling silks, was remarkable, as it shewed how small were the objects to which it might be applied. In a word, so powerful and comprehensive was the arm of parliament, that nothing was too minute, nothing too great, for its grasp. It could reach every offence, from smuggling foreign silks up to the case of a governor ruining the foreign dominions intrusted to his care. The case of Mr. Hastings illustrated his argument; for, of the articles of impeachment preferred against him, four out of five were for offences of a nature of which no court of law could take cognizance. The principal argument on which the Attorney-General rested the necessity of the present bill was, that an act was supposed to have been committed abroad, which, if committed in the country, would have been high treason; and he had asked whether it was fit there should be no remedy applicable to such a case.

"His learned friend seemed to consider that the opinion given by the judges settled every doubt with respect to the propriety of proceeding by bill. Now it was important that the notion should not be entertained that the judges, in the answer they had given to the house, had settled this part of the question. The judges were asked whether a certain case amounted to high treason, and they answered in the negative. But they were asked no question respecting the competency

of impeachment. From their answer, then, no argument for proceeding by the present bill could be founded. Here he could not help directing their lordships' attention to the manner in which his learned friend had described this bill. With him it was all along called a bill of divorce. He had in his argument constantly so regarded it; he had urged it upon them as a bill of divorce over and over again; he would not, however, say that his learned friend had repeated this argument, *ad nauseam*. No, he was too grateful to him for it; for if this bill was a bill of divorce, how could his learned friend support its clauses or its preamble? If it was a bill of divorce, why had it no analogy with all other bills of that description which came before their lordships? In what bill of divorce was the principal charge described by the phrase 'adulterous intercourse?' His learned friend had contended that there was no necessity for inserting in the bill the charge of adultery *eo nomine*. Now he would ask his learned friend, where would he find in any libel before the Ecclesiastical Court (even with the assistance of his two learned coadjutors from that court) any instance of the words 'adulterous intercourse' being used as the matter charged? If he inquired, he would learn that the act charged must be distinctly specified under the name of 'the foul crime of adultery.' He did not mean to say that, in no divorce-bill or libel in Doctors' Commons, the phrase 'adulterous intercourse' was to be found. But it was entirely superfluous. The learned persons who drew up the libels might perhaps repeat the term, and other details, *ad nauseam*, for those who had to undergo the labour of the reading or the burden of the expense of such documents; but still in every libel 'the foul crime of adultery' was the legal and specific charge.

"He would not, however, stop longer on this argument, but would direct their lordships' attention to another, in which his learned friend contended that the king, being injured, was entitled to a remedy as well as any other subject. But how inconsistent was his learned friend on this point! It seems his majesty does not complain. O! no, that would be unsuitable

to the regal dignity. His learned friend said the king was not to be considered as present that day; and herein his argument respecting a divorce-bill completely failed. Thus, just as it suited their purpose, his learned friends pretended that the bill was, or was not, a divorce-bill. After having argued as if the proceeding before their lordships was an application for divorce, his learned friend had shewn that the measure wanted one little, but important, circumstance to complete the analogy —namely, that of its being called for by the injured party.

"He would ask his learned friends, whether, from the beginning of time to the present day, (he put the cases of Henry VIII. out of the question,) they had ever heard of a bill legislating away the rights of a wife, and dissolving a marriage, without any application on the part of the husband? Taken in this point of view, these proceedings seemed to place his majesty in a very singular situation. He does not complain, but he sends down a bag of papers for the consideration of the house, and, in doing so, it is said that he has pledged himself to abide by the sentence of divorce, if such sentence should be passed. This is inconsistent with the assertion, that the regal dignity would suffer by an application for divorce. The proceeding is commenced by his majesty sending down a message, with papers for their lordships' examination. They were told he does not say that he is injured, but he wishes their lordships to inquire, and will abide by their determination. Now he must say that this course looked very like that of a person complaining. But if his majesty was the complainer, the other party would be entitled to all the rights enjoyed by defendants in similar cases. Had he been here as an individual, his client would have had the advantage of all those forms necessary for defence or self-protection, of which she was deprived.

"His learned friend who spoke last had failed to shew any inconsistency in the conduct of the opposers of the bill. The whole doctrine of himself and his colleagues having been, that nothing could justify this measure but necessity; he was entitled to shew, from the conduct of the promoters of the bill, that they did not believe in its necessity. He had shewn that

their whole conduct had been of a nature which never could have been exhibited, had they really thought the measure indispensable. Could any thing be more convincing on this point than the offer made to her majesty of a pension, and an introduction to foreign courts? Thus, her majesty was offered not only impunity, but to retain all the dignity of queen, while a charge was made which, if true, would disqualify her from filling that exalted station.

"His learned friend alluded to disgusting details, and to familiarities disgraceful to the royal family; but where was the logical application of the argument, when those disgusting details, which were degrading to the country in the eyes of foreign nations, were not to be made the subject of a bill to relieve the king by dissolving his marriage with the queen; but, on the contrary, every facility was offered for farther sullying the honour of the country, when parliament was to be called upon to lay before her majesty, on their knees, their grateful acknowledgment for her compliance with their wish to leave the country, and to go where the crown would order her to be recognised as queen, though following that course which was to disgrace not only the crown, but the people of this country? When these things were considered, ministers could not escape from this conclusion, that they did not believe in the necessity of the bill they had introduced, for every act in their conduct gave the lie to the supposition.

"But it appeared to be thought that he and his colleagues had been guilty of great injustice to the claims of a certain respectable class of the community, whom he should describe as witnesses. This was a charge he could not admit. For his own part he could not think himself justified in whispering a single syllable to the disadvantage of this worthy order of persons. When he thought of them, his idea of them was too high to allow him to look upon them with any other eyes than those of respect. His impression was, that they must be persons of exalted station, above the ordinary ranks of life, or, at least, looking in their exterior like those persons with whom their lordships were accustomed to associate. This respect-

able external appearance they had, he doubted not, *proprio marte*. They must be seized in fee-simple of those decent habiliments in which it would be fitting for them to appear before their lordships; and those, too, purchased out of their own ample revenues. He supposed they must be persons who could regale themselves at their own expense,—who could live in separate apartments, and could fare sumptuously every day. They must not, he was sure, be persons who were called together by the ringing of a bell, or the beating of a drum, to a common meal provided at the expense of others. At least, he was sure, they must have full liberty and locomotion, and might be expected to be met by their lordships in the corners of the streets, and that when they went abroad no other individuals would be seen attending them, or watching their motions, but *laqueys de place*. Wherever they were seen he was sure they would be respected: they must be known to Europe, and if less known in this country it was our misfortune, not theirs. He might surely anticipate that they would appear before their lordships decently attired, at their own charge, and deliver their testimony, he could not say in proper English, but in their own native language, with dignity and propriety.

"Such was the description of testimony he had to expect in support of the preamble and clauses of the bill. To meet a cloud of such witnesses was enough to appal any man. But besides these, there would be, he was equally confident, a number of home-bred witnesses, of equal respectability. They must be officers of distinction in the army or navy, or ladies and gentlemen who had enjoyed the society, or been about the person, of his illustrious client. These persons, being well known in this country, would be regarded as even more worthy of credit by their lordships than the former. In this situation, what would become of him and his learned colleagues, if their lordships should see no weight in their arguments against the principle of the bill, and should determine to receive this overwhelming evidence.

"Having taken the liberty of making this digression, he

must now notice a charge which had been made against him by his learned friend on the other side. He had been accused of a wish to inflict pain on an illustrious individual wantonly and unnecessarily, and of choosing a time for that purpose that was calculated rather to close every mouth on the subject. Their lordships, he was certain, would do him the justice to recollect, that he did not allude to this subject unnecessarily. He had touched on it in replying to the arguments urged in support of the necessity of the bill. His answer was, that if such a measure was necessary for the sake of morals, on account of the supposed conduct of his client, it could not have been unnecessary to take some steps in the case of another illustrious person. He had not gone out of his way to state this: it arose in the course of his argument. He had heard it stated that it was ludicrous to compare the case of a prince and a princess. He had not, as it seemed to be supposed, considered the cases as similar; but he thought it very extraordinary that any man should regard the one case as inflicting a stain on the moral character of the country, and the other as having no tendency that way. He had to appeal from the new to the old law of morality, and was not raking up past transactions for the purpose of exciting odium, or inflicting pain, as had been alleged. What he meant to contend was, that there was no consistency in saying that the present case, if made out, was one which ought to be visited with severity, while others were entirely overlooked. Here there had been no public ground for the proceeding. There had been no public inquiry till their lordships acted on the recommendation of ministers, and the whole proceedings had for their foundation nothing but rumour. He should deeply feel the pain of being led into any thing like recrimination; but, with every regret at being compelled to take that course, his feelings would at least be alleviated by the consideration that he acted in the discharge of his professional duty. Relying with confidence on the justice of their lordships' decision, he felt that it was unnecessary for him to take up any more of their time."

After the counsel were ordered to withdraw, a short con-

versation took place between the Marquis of Lansdown, the Lord Chancellor, the Earl of Liverpool, and Earl Grey, relative to the opinion of the judges; but the conversation terminated without any result.

Lord KING then rose, and said it was his intention now to propose a resolution to their lordships to this effect; *viz.*, that it is not necessary, either for the public safety, or the security of the government, that this bill should pass into a law.

Earl GREY said, that the impression made upon his mind, by what he had heard in the arguments used by the counsel, was very strong against proceeding with the bill. He therefore wished that time should now be given to their lordships to consider what ought to be done upon this proposition. He therefore hoped he would not be considered as asking too much of his noble friend to postpone his motion till to-morrow, when their lordships would all come better prepared for the discussion. If he were now forced to come to a decision, he must say that he so strongly felt all the inconvenience of the course in which they were engaged, that he should certainly be much disposed to adopt some other mode than a bill of pains and penalties.

Lord KING intimated his willingness to postpone his motion till to-morrow.

The Earl of LIVERPOOL was willing to consent to the delay proposed, but thought that the debate ought now to be commenced by, at least, placing the proposition before their lordships; they might then adjourn the debate until to-morrow.

Lord KING then moved the following resolution:—"That it is the opinion of this house, that it is not necessary to the public safety, nor the security of the government, to pass this bill."

The debate was then postponed until next day, to which time the house adjourned.

Non-Contents against calling in Counsel to proceed with the Bill.

Duke of Gloucester
Somerset.
Grafton.
St. Alban's.
Bedford.
Devonshire.
Portland.
Hamilton.
Argyle.
Leinster.
Marquis Lansdown.
Downshire.
Earl of Derby.
Suffolk.
Denbigh.
Thanet.
Essex.
Albemarle.
Jersey.
Oxford.
Cowper.
Stanhope.
Fitzwilliam.
Hardwicke.
Darlington.
Ilchester.
Waldegrave.
Grosvenor.
Fortescue.
Carnarvon.
Rosslyn.
Romney.
Grey.

Earl Minto.
Breadalbane.
Rosebery.
Besborough.
Darnley.
Blesinton.
Visc. Bolingbroke.
Torrington.
Hood
Anson.
Duncan.
Clifden.
Downe.
Lord Dacre.
Saye & Sele.
King.
Sondes.
Holland.
Ducie.
Hawke.
Foley.
Sherborne.
Kenyon.
Auckland.
Dundas.
Yarborough.
Calthorpe.
Gwydir.
Alvanley.
Erskine.
Prudhoe.
Belhaven.

In the second division, on Earl Grey's amendment, the earl of Guilford voted for it; Lord Calthorpe voted against it.

HER MAJESTY'S PROGRESS TO THE HOUSE OF PEERS.

A crowd began to assemble in front of the queen's house, in St. James's square, so early as eight o'clock, and continued to increase until the entire western side of the square was completely filled. The people contrived to amuse themselves, while waiting for the queen's arrival, with occasional cheers for her majesty, jests upon the ministers and their friends, and by playing off practical jokes upon each other. A large group had assembled in front of Lord Castlereagh's house, when suddenly, whether by design or accident we know not, a water-plug gave way, and the water, rushing upwards with great violence, completely drenched the whole group. The effect of the incident was extremely ludicrous, and those who were so fortunate as only to witness it, showed but little sympathy for their half-drowned friends.

Her majesty did not arrive in St. James's-square from Brandenburgh-house until a quarter after ten o'clock; but the first appearance of her carriage, on turning into the square from Pall-mall, was marked by a deafening shout from the crowd assembled. Instantly began the clapping of hands, the waving of hats and handkerchiefs; and in the occasional pauses of the cheering might be heard prayers for her majesty's success, with frequent cries of "God bless her Majesty!" "Heaven bless our queen!" in which female voices were particularly discernible. In the carriage with the queen was Lady Ann Hamilton. The steps to the house were so extremely crowded, that a passage could with difficulty be made for the queen and her attendants.

Her majesty having rested for a short time, the state-coach, which for more than an hour had been in waiting in the square, was ordered to draw up, and the queen ascended it, amidst the huzzaing of the multitude. The procession then moved slowly forward in the same order that was observed on the preceding day. Mr. Alderman Wood advanced in front in a plain carriage. Then followed the queen in her state coach. Two carriages succeeded: in one were the queen's chamber-

lains, and in the other were two ladies attendants on her majesty.

As her majesty's carriage approached Carlton-palace, every eye was turned upon the sentinels there on duty, to witness their reception of the queen. It happened that the sentinels had been relieved about five minutes before the arrival of the procession in front of the palace, and, it is said, the instructions then given by the sentinels relieved to those who succeeded them, were "that they should take no notice whatever of the queen." Of the four sentinels, however, at Carlton-palace, one paid the customary respect to royalty, and presented arms to her majesty as the carriage passed. This soldier was loudly cheered by the people, while the other three were as vociferously hissed, although it was very evident from their manner that they would gladly have displayed their loyal feelings had they not been afraid of incurring the displeasure of their officers. As the procession passed the Admiralty, the people loudly expressed their dislike of the ministers, as was done on the preceding day. The sentinel on duty at the Army Pay-office ordered arms as the carriage passed, and was almost borne away by the rush of the people. The two mounted sentinels at the Horse-guards showed no disposition to pay her majesty any respect, and in revenge the people waved their hats so close to the horses' eyes as to give the riders some trouble in managing them. The gate of the Horse-guards was kept closed, and the apparent indifference of the soldiers within the iron railing formed a singular contrast with the enthusiastic cheering and animated demeanour of the enormous mass of people moving with the procession. As if, however, to compensate for the conduct of the guards, the two sentinels on duty at the Treasury regularly presented arms as her majesty's carriage arrived in front of them respectively. The queen bowed graciously, and the people cheered. Parliament-street presented a very animated scene. The street was extremely crowded, and every window, and even the roofs of houses, presented groups of people, all emulously expressing their affection and zeal for the queen. The ladies univer-

sally waved white handkerchiefs, and wore white favours, at which her majesty seemed to be much pleased.

A new barrier has been raised in Palace-yard, about fifty yards from the former one, in the direction of Parliament-street. Its effect is to break the force of the crowd, and to prevent the people from rushing with such violence upon the former barrier as they did on Thursday, by which it was borne away, and the crowd confusedly admitted into the immediate vicinity of the House of Lords, to the extreme inconvenience of their lordships, and even to the interruption of their proceedings. The erection of a second barrier was attended by the desired effect, and the queen's carriage was admitted into the reserved space without being accompanied by any portion of the multitude.

Her majesty arrived at the House of Lords at eleven o'clock, and was received by the officers in attendance with the honours due to her rank. The same number of horse and foot-guards as were on duty on Thursday were stationed in Palace-yard. The horse patrol, and a large body of constables, were also on the alert.

RETURN OF THE QUEEN FROM THE HOUSE OF LORDS.

Her majesty quitted the House of Lords towards the conclusion of Mr. Denman's learned and eloquent argument, and, with Lady Hamilton, retired to the private apartment appropriated to her use. Her majesty was, however, apprized of all that occurred during her absence by one of her chamberlains. She again returned when Mr. Brougham began his reply, and continued till he concluded. As soon as it was announced to the officer on duty in Palace-yard, that her majesty had retired from the House of Peers, the infantry, who had been previously sauntering about, were formed in line, with rested arms, extending along the piazza in front of the House of Lords, and terminating at the members' entrance to the House of Commons. The cavalry were drawn up in line on the opposite side of Palace-yard. Shortly after these movements, the carriage of her majesty was driven to the door by

which she is admitted to the House of Peers, and was followed by that of her chamberlains. A considerable number of well-dressed men, and several respectable-looking females, who had interest sufficient to obtain a station within the barriers, pressed round her majesty's equipage, and remained there until she made her appearance. The roof of the piazza was crowded with individuals of rank, and the windows of the surrounding houses presented a bright assemblage of beauty and fashion. At twenty minutes after four o'clock, her majesty, accompanied by Lady Ann Hamilton, entered her carriage. As the day was exceedingly fine, the roof of the carriage was thrown back, so that all those whom respect, affection, commiseration, or curiosity, drew to the spot, had a perfect view of her majesty. The moment she appeared, the spectators uncovered. Her majesty's carriage moved slowly along, followed by another occupied by her chamberlains. Parliament-street, Charing-cross, and all the leading avenues between the House of Peers and her majesty's residence, which during the early part of the day had not been inconveniently crowded, were, as the hour of four approached, rendered almost impassable by the multitude, who occupied every spot from which they might procure even a glimpse of her majesty. The balconies and windows in those streets were filled chiefly by ladies, who seemed to take an anxious and earnest interest in the scene. As her majesty's carriage proceeded gradually, and with some difficulty, through the crowd, the homely, but affecting benediction, " God bless you! may you overcome your persecutors!" was heard on every side, mingled with execrations, both " loud" and " deep," against the authors of the most unparalleled indignity to which she is subjected. In every street through which her majesty passed, the same scene was repeated: handkerchiefs were waved from the windows, and cheering shouts and spontaneous blessings were echoed from all quarters. Some of the soldiery—some of those who had " fought the nation's battles"—and who wore on their breasts the memorial of the victory of Waterloo—shed tears as the queen passed them. When her ma-

jesty arrived at her residence in St. James's-square, and alighted from her carriage, the shouts of gratulation and encouragement were redoubled. Her majesty came twice to the window; the second time she was conducted thither by Alderman Wood, and bowed, as she had previously done in her progress through the streets, to those who took so deep an interest in her fate. The multitude soon after dispersed.

The peers, as they returned, were received with hisses or cheers, according as the sentiments they were known to profess were popular or anti-popular. The Duke of York, who was on horseback, was enthusiastically cheered.

THIRD DAY,—SATURDAY, AUGUST 19.

A FEW minutes before ten o'clock the Lord Chancellor took his seat on the woolsack; and, at ten precisely, Lord Liverpool having moved the order of the day, the Deputy Clerk of Parliament proceeded to call the house.

In pursuance of the notice given yesterday, Lord KING stated, "that the counsel on both sides having yesterday concluded their arguments, he now embraced the only opportunity that appeared to remain for a member of their lordships' house to endeavour to avert the evils and difficulties, which he, in common with many of their lordships, and the great body of the public, felt most strongly to be intimately connected with the course they were pursuing—evils and difficulties, the peculiar nature of which it was not necessary for him to state. The arguments of the learned counsel in support of this measure had not succeeded in shaking the conviction, which he previously entertained, that bills of pains and penalties ought only to be resorted to, when the stability of the government was endangered, and when, from their adoption, some extraordinary benefit was likely to be derived. Did any individual, in or out of that house, entertain any serious apprehension of mischief from the non-prosecution,

or abandonment, of this bill? The circumstances of the case precluded all danger to the royal succession, which alone could justify this bill. No state necessity then existing for bringing it forward, they were at once reduced to the plea of the expediency, the policy, the wisdom of the proceeding. It was asserted in the preamble to the bill, that the measure was necessary to vindicate the honour of the royal family. But they all knew that if her majesty had remained abroad no proceeding of this kind would have taken place. It was completely false to say the bill was necessary to vindicate the honour of the country, when ministers themselves would have allowed those licentious scenes to be continued in the country where they were said to have been carried on, without molestation. They knew that when her majesty came to England, it was impossible that the offence could be continued. The foreigner with whom the criminal act was alleged to have been committed, might be refused the privilege of remaining in England. From all these circumstances the conclusion was plain, that government would have suffered the crime to be continued with impunity, while it was possible to carry it into practice; but that the moment it ceased to be possible, they deemed it necessary to resort to punishment. It was said that her majesty's conduct was marked by gross indecency, which tended to scandalize the country; and that, therefore, she was not worthy of the situation of queen of these realms. He should be glad to know whether it would be proper to pass this bill on account of those alleged indecencies of conduct. It might be said, that the necessity arose from the moral feeling of the country being wounded. He asked of their lordships to open their eyes, and look around the country, and then to say whether this moral feeling was not more likely to be wounded by proceeding with this measure? He thought nothing could have a more injurious effect upon public morals than a perseverance in pressing forward this bill, and giving to the world a statement of all those disgusting scenes from which it was said to have arisen. One of the prominent parts of this bill

was that which set forth, that an offensive freedom and familiarity had taken place between her majesty and a foreigner—a menial servant. This was an extraordinary accusation. The queen was deprived of the advantages of having persons of high rank and character about her. She was thrown amongst persons of low rank. She was left to choose her companions as she could; and, therefore, she was liable to be approached by those vices and temptations which were prevalent in such a state of society. But, at any rate, he would maintain that indecencies and irregularities of conduct afforded no reason for passing an *ex post facto* law; first creating the crime, and then inflicting the punishment. Such a proceeding took away all the security which an accused person would derive from the forms of justice. A bill of pains and penalties dispensed with all those forms which were found so useful in other cases; and it was not sufficient, when those forms were taken away, to tell him that the substance of justice was preserved. The noble lord had argued in favour of proceeding by impeachment. He implored their lordships to consider the mortifying predicament in which they would be placed, if, when their bill of pains and penalties were sent down to the other house of parliament, it should be rejected. Ought they, under the present circumstances, to incur every possible risk, in order to form a new law—an *ex post facto* law? It appeared to him to be little short of insanity to carry a new species of law into execution; when the formation of that law had nothing to do with the public safety—when it was not called for by any apprehension of public danger. He was convinced that the public good would be much better consulted by putting a stop to the proceeding at once; that there was more danger in going on than in retracing their steps; in doing which, when they found themselves in error, there could be no discredit. He knew of no folly so gross as persevering in a course which was plainly detrimental to the public interest. With these feelings he begged leave to move—"That it appears to the house, that it is not necessary for the public

safety, that the bill entitled, 'An Act to deprive her Majesty, &c.,' should pass into a law."

The Earl of LIVERPOOL said "the motion of the noble lord might naturally be considered on two grounds, quite distinct in themselves; first, whether there was any necessity or public utility in pursuing any measure against her majesty; and, secondly, if public utility required, whether the present was the most proper course. He was ready to admit the principle relative to bills of pains and penalties, as he understood it to be laid down by the noble lord. But his lordship, he conceived, would agree with him that occasions might arise, where bills of pains and penalties were absolutely necessary. Though the cases to which he alluded were of an extraordinary nature, still the bill of pains and penalties, by which alone they could be met, must be looked upon as a part of the constitution of the country. Such measures were exceptions to the general principles of the constitution; but, being rendered necessary by circumstances, were recognised by it. He was quite willing to allow that it was necessary for those who brought such a measure forward to shew some special grounds for it. Now, assuming the alleged crime to have been committed, and assuming this for the present only, he would inquire what other course their lordships or the government could have adopted, save that which was now under consideration? It was the opinion of the judges that her majesty could not be indicted for high treason. If this course had been open to the government, it is the only one he would have recommended. After that solemn decision, there was but one other course, save that under consideration, and that is impeachment. But impeachment, if it was not impracticable, he thought was liable to so many serious objections as rendered it a very inexpedient mode of proceeding. In his mind, all the objections that could be urged against a special law might with equal justice be applied to impeachment. The very grounds of bills of pains and penalties, and of attainder, was that cases did occasionally arise, to which impeachment

would not apply. Assuming this crime to have been committed, it was evidently not high treason under the statute of Edward III.; and, in the next place, it was not a crime by the common law of this country generally speaking. It was a most extraordinary thing in the law of England, that that which was one of the greatest offences against the law of God, and one of the greatest crimes against the well-being of society, was looked upon as a great civil injury, but was not cognizable by the criminal law of the land. He knew not how they could make that a subject of impeachment, which by the law of England, was not a crime. If any minister at home, or ambassador abroad, acted contrary to his duty, it was, by the law of England, a crime not only subject to impeachment, but to indictment; and, in those cases in which there was a difficulty in laying the indictment, impeachment was the only mode that could be successfully pursued. Therefore it was that, in general, impeachment was the course by which political offences were punished. His lordship here entered into a general view of the statute of Edward III., as bearing upon the case of her majesty. He contended that the alleged offence was neither high treason, nor a crime of any kind by the law of the land; that it was therefore, not a proper subject of impeachment, and that a bill of pains and penalties was the least exceptionable mode of proceeding. A new law was the more necessary, that the acts which were brought within the scope of this bill were done when the queen was Princess of Wales. Supposing she was impeached, and the case made out, and that she was found guilty, how could their lordships deal with her? They could not go beyond the limits, which belonged to the house in cases of impeachment. They might fine, imprison, banish, or degrade; but still he would state it as a matter of great doubt, whether they could deprive her majesty of all her rights and privileges as queen without a special act of parliament. The advantages of the present proceeding were evidently greater than any that could be derived from impeachment. His lordship here took a view of the proceedings which had already taken place; and argued

that it should be shewn that the bill is a measure absolutely wrong, and some other course absolutely right, before the house abandoned the course already adopted. It might be fit and proper to put a complete end to the proceeding; but he was quite certain that it ought not to be altered.

"He now came to what in the order of time ought perhaps first to have been considered—the expediency of suspending this proceeding altogether. He had formerly stated the opinion of government to be, that, whilst her majesty continued to reside abroad, the inconvenience of taking any steps against her far more than counterbalanced any good that could arise from them. The noble earl (Grey) certainly then seemed to entertain a different opinion; he had said, that assuming the matter of the report to be true, whether at home or abroad, it was the duty of the executive government to have brought the conduct of the queen directly under the view of parliament."

Earl GREY had certainly said, that if the noble lords opposite were in possession of proofs against her majesty, such as they declared that they had, and that no considerations of public expediency operated in a contrary direction, they ought, whether the queen were at home or abroad, to have made up their minds to proceed. He had mentioned both propositions —the decisive nature of the evidence, and the question of public expediency—which might militate against its production.

The Earl of LIVERPOOL had not so understood the opinion to be qualified. Taking it for granted that what the noble earl now stated was correct, the noble earl would not dispute that he had followed it up by saying, that the accusation having been made, he did not see how it was possible to do otherwise than bring it to the test of proof. The noble earl asked, where was the difference between her majesty's being abroad and at home? He (Lord Liverpool) thought that there was all the difference in the world. While abroad she was not held forth to the people of the country as their queen; she would not receive their homage or enjoy all the incidents and privi-

leges of royalty: while abroad matters might be overlooked, but when the queen set foot in this country there was no alternative; or rather there was but one alternative—to give her all respect, homage, and reverence as queen, or to bring forward the accusation. He knew that in the other House of Parliament, and in a degree in this, and in the country at large, a strong desire was felt and expressed to avert the investigation: ministers had lent themselves to this desire, but always upon the principle that if the inquiry were dropped, her majesty's residence abroad was a *sine qua non* of all negotiation. Even if it were a common case of adultery, but much more if it were a case of the grossest kind, where the party accused had committed the offence in the face of the whole world, and appeared proud and anxious to manifest it in all parts of her conduct—he put it to every man of sense and feeling, whether ministers could consent that a person so circumstanced should fill the high station of queen, and enjoy all the rights and privileges belonging to her rank. He did not mean to say, that suffering her to remain abroad, so circumstanced, was not a great evil, but it was an evil that might be submitted to; but if she had lived at home, having set at defiance all regard for morality and the common decencies of life, it was an evil that, for the sake of the community at large, could not be endured. Something had been said by the counsel at the bar on the subject of adultery committed by a man and by a woman. Undoubtedly in the eyes of God the crime was in both cases the same, but their effects upon society and upon public decency were widely different; and this had not only been the opinion of mankind at all times, but their lordships, in their legislative capacity, always acted upon it. Divorce bills were constantly passed on the petition of a man, but never, excepting under especial circumstances, on the application of a woman. Yet adultery in men was by far the most frequent: for one case of the commission of the crime in a woman, he believed nine instances existed of its commission by a man; and why was not the same remedy applied? Merely because all were aware that there was no comparison regarding the ill effects upon

society in the one case and in the other. If there were one thing which more than another distinguished modern from ancient times, it was the different degree of reverence and respect paid to females, and this was mainly produced by the superior purity and virtue of the sex; those, therefore who had established the doctrine regarding marriage and divorce now universally prevailing, instead of being the enemies of females, were, in truth, their best friends, patrons, and protectors, and most contributed to support that chastity which added so much to the attraction of personal charms. If, then, the case against the queen could be proved to be such as he had stated it, notwithstanding all clamour, which he did not despise—notwithstanding all difficulties, which he did not underrate—it was the duty of the house to go straight forward to the conclusion of the course it had begun. He asserted, and he felt it strongly, that nothing that had passed, that no attempts to intimidate individual members, no attempts to overawe the whole legislature, no attempts to crush this great and momentous proceeding, ought to prevent the house from performing what it owed to the virtuous, the respectable, and the peaceable portion of the community. These attempts, he knew, must have their indirect influence on the minds of men; but it was an influence they ought to expel, and to be governed only by a fearless sense of high and indispensable duty. Let him put the case in another point of view. The question was not now whether the ministers of the crown, knowing all the facts, ought to bring them forward—not whether the accusation should be made;—it had been made; it stood indelibly upon the preamble of the bill; nothing could blot it out—nothing prevent it from descending to posterity. Was it fitting, then, for her majesty's sake, that such a preamble should remain on the proceedings of parliament, without bringing it to the severe test of proof? Supposing the charge were at this moment dropped, he put it to their lordships, as men of feeling and honour, whether they could hereafter pay the queen their homage and respect, with this uncontradicted preamble staring them in the face? Nothing could satisfy the house—

nothing could satisfy the public mind—nothing ought to satisfy the queen, but the production of the evidence, and the completion of the whole inquiry in an honest, straight-forward, and uninterrupted course. One topic more, and he had done. Of course the counsel at the bar were bound to discharge what they thought their duty to their client, and to smother all subordinate considerations; and if, in the course of the speeches they had delivered, he had felt pain—not to say disgust—at some of the matter they had urged, he believed it was in common with the great majority of the house. They had adverted to the conduct of an illustrious personage (the Duke of York), and they seem to have thought that allusion necessary for the interests of their client; but if he (Lord Liverpool) had been asked whether it was for the interest of their client to drag forward that long-forgotten and unfortunate subject, he should have answered that the interest of their client was directly the reverse. He should say no more than this—they acted on their own discretion, they had an arduous task to execute, and what fell from them should be heard with every possible indulgence. They had also asserted, that the whole object of this bill was, that the illustrious personage filling the throne might be able to get rid of his wife, and marry again. He (Lord Liverpool) declared most solemnly before their lordships, that he believed that no such feeling had entered into the mind of his majesty. For himself, and for those who acted with him, he could assure the house, that that provision was a part of the bill to which the least value was attached. Undoubtedly it followed as a corollary to the rest of the measure—it was a fair and ordinary conclusion; but it was the least important part of it, and was very far from being its chief object and intention. The part to which he did attach importance was that which enacted, that if a case were proved against the queen, she should no longer enjoy the rights and privileges of her station. He wished her not to be visited harshly—he wished the measure of punishment even to be as light as possible, and there were a thousand considerations which rendered it desirable that the facts should never be

disclosed; but if what was charged against her were true, he never could reconcile to his mind that she should be his queen. Having stated thus much with earnestness, but he hoped with temper and moderation, he should move, as an amendment, "That counsel be called in."

The question having been put from the woolsack,

Earl Grey set out with stating, that if this bill were to pass into a law, and were ultimately to be considered the fit mode of proceeding on this great and unfortunate question, he agreed with the noble earl in thinking that the clause relating to the divorce was by far the least important part of it; he was also ready to receive the assurance that it was not deemed a main object in the illustrious quarter to which reference had been made. He thought, likewise, that if, in consequence of the clear proof of the charges, it were necessary to proceed to the degradation of the queen, the clause of divorce would follow, not as a measure of release to the king, but as a measure which the public interest made necessary to preserve the character and dignity of the throne. He could not reconcile it with any principle of propriety or justice, that if the queen were degraded for such crimes, she should be left the wife of the king of Great Britain. On the original introduction of the bill, and the motives leading to it, he wished on the present occasion to say as little as possible; on a previous occasion he had stated, some might think with too much asperity, his opinion on the conduct of ministers. Debating now a question which assumed a judicial character, he was desirous of abstaining from every thing that could awaken angry or party feelings; that the great subject might be discussed with that temper and calmness which alone could lead to a conclusion satisfactory to the public. He would only, therefore, in justice to himself, restate that, in his original objection to the conduct of ministers, he had taken both views of the question, not only the magnitude of the offence imputed, but the expediency of bringing it forward. It was the duty of ministers to have made up their minds, and to have acted firmly and definitively; and, without reviving topics already

dismissed, he must say that he could not yet see the distinction drawn by the noble earl between the residence of the queen abroad or at home. If he looked back to the matters connected with this point, he must recur to that act of real degradation, not more unfortunate than unjust, which operated as an infliction of punishment without charge or investigation—the leaving of her majesty's name out of the liturgy. Let it be recollected that that unhappy circumstance had led to the return of the queen, and the impossibility of repairing that fatal error occasioned the failure of the negotiation. When she arrived, he had admitted that the noble earl was placed under the necessity of making his choice between a complete acknowledgment of the queen, with all her rights and privileges, or the institution of charge to justify him in refusing it. He (lord Grey) could not concede to the noble earl the distinction he had taken, nor think that the interests of the people of England were consulted in the offer to enable her majesty to continue her licentious course upon a more splendid scale, and to make herself a degrading exhibition in the eyes of the whole continent of Europe. He now came to the consideration, whether a charge having been preferred, any other course were open for which the bill upon the table ought to be abandoned. That, in fact, was the real question now before the house. The house was unfortunately placed in a situation where no mode of proceeding could be pointed out that was unattended with most serious difficulties and embarrassments. The learned counsel at the bar had exhibited a power of reasoning and eloquence never surpassed; and though they had not perhaps suggested to his mind any points absolutely new, yet they had presented the difficulties with such accumulated force, that he had felt almost overpowered by it; all led to the practical result, that it was better to get rid of this proceeding, so pregnant with many evils. Here his lordship made some observations on popular clamour, and on the letter of her majesty addressed to the king, of which he disapproved, assigning these as the grounds of the vote he had formerly given against rescinding the proceedings. He also adverted to his motion for putting questions to the judges, respecting the con-

struction of the statute of Edward III., as bearing upon the case of her majesty, and seemed to dissent from a part of their interpretation of that law. He was rather inclined to wish that he had put his questions separately to the judges; for their separate and distinct answers would have been given, and the points would each have been settled in all times to come, and the decision perhaps have led the way to some new law upon the subject. It was quite clear, according to the opinion of the judges, that an offence of this kind committed abroad with a foreigner, owing no allegiance to the crown of Great Britain, could not be prosecuted as high treason. He had, of conrse, not the presumption to set his judgment in opposition to that of the bench of judges; but conviction was not a matter in a man's own power, and he was not yet satisfied that the view he had taken of one part of the subject was completely erroneous. One doubt that still remained in his mind was this—whether, supposing the offence had been committed in England with a person not responsible to the law—with a lunatic, for instance—on the principle of that decision it would be an offence within the statute of Edward III.; but, passing over this question, it next came to be considered, whether as treason was out of the question, this bill of pains and penalties was the only remaining mode of proceeding. He was satisfied that an impeachment would lie, and must therefore totally dissent from some of the principles laid down by the noble earl in reference to it. He could by no means admit that the impeachment must relate to some crime already made punishable by statute, not that, if otherwise, it must be confined to some officer engaged in the public service. Those conditions were nor necessary; and many cases of impeachment might be stated, where the crimes charged were not known to the law of England. Many political offences must necessarily be unknown to the law; and though, in the proceedings on the treaty of Utrecht, many matters of accusation would have come within the known laws of the realm, yet there were other articles showing that parliament proceeded against the parties for what did not come within any known law, written or understood. There were some instances of a remark-

able nature connected with the transactions of that time, and one in particular, the case of Lord Haversham, in 1701. He was proceeded against, not for any offence known to the law, but committed in parliament; he was impeached 'for words spoken this day at a free conference; and that the lords be desired' (such were the words of the resolution) 'to proceed in justice against the said lord, and to inflict the punishment so high an offence deserves'. The lords also came to a resolution upon it in these terms: 'Resolved, that unless the said charge shall be prosecuted against the said Lord Haversham with effect by the commons before the end of this session of parliament, the lords will declare and adjudge him wholly innocent of the said charge.' Their lordships had therefore, upon their books, a case which proved that the House of Lords recognised the right of the House of Commons to impeach for such an offence.

"Another case was a proceeding against the Bishop of Exeter; and he should therefore say, that both precedent and authority tended to prove that the principle of impeachment was so extensive as to reach offences which were no offences at common law, and crimes which were not known either to the state or to the common law, and that would not come under the description even of moral offences, as affecting society; but which, as affecting public interests, and the protection of the general welfare, parliament had asserted to be within its peculiar cognizance and power, for the benefit of those whom it was its highest duty to protect against all wrong. Did he understand the noble earl to maintain that adultery was no crime by the laws? If the noble earl had said so, his lordship and himself (Earl Grey) were completely at issue on the subject. It was a crime at civil law, which constituted a part of the law of England, and it might be proceeded for in a spiritual court. Mr. Justice Blackstone defined it to be a public crime, that must be so proceeded for; because, being a public crime, there was therefore no action for damages. Not only was adultery directly charged in the preamble to the bill, but it went on to allege against her majesty scandalous and licentious conduct. Now he (Earl

Grey) would ask the noble lord behind him (Lord Erskine), he would ask the noble lord on the woolsack, and other lords, and he would put the same question to the learned judges, whether gross, infamous, and scandalous conduct, was not a crime also by the English laws, and subject to the penalty of fine and imprisonment? But then the noble earl took this distinction—'they were not (in this instance) committed in it.' Why this was the very case, then, that should bring them within the jurisdiction of parliament. Would he (Earl of Liverpool), who maintained that this was not a proper case for any proceeding which might be appealed to parliament, contend, that if a public functionary for instance, or other person, had committed some crime abroad, the commission of which incurred this consequence, that it produced great scandal and dishonour to his majesty's throne and kingdom—(and because the crime had been committed abroad, it not being possible to prosecute such public functionary at home by any ordinary course of law)—would he contend that his crime would not come within the scope of parliamentary impeachment, and be that upon which their lordships would be called on to decide? Why this, he thought, was a case which could not admit of any doubt or hesitation, and impeachments of this sort had occurred. Their lordships would remember that that of Mr. Warren Hastings for the Mahratta war went upon the same principle. The rule universally was, that if a public functionary committed a crime, which, however, was not against the common laws, although against the public interests, parliament was charged with the protection of those public interests. He contended that this was a case in which an impeachment would lie: but, said the noble earl, 'this offence was committed before she was queen.' To this, his first answer he had already given—that this being a crime known to the laws, it was of no public consequence whether she were to be considered in the light of a public functionary or not; she might be proceeded against by impeachment: and, as to its having been committed when she was only Princess of Wales, the power of impeachment should in this case be

exercised upon the principles he had already stated. When the noble earl said, that this could not be done because the offence occurred before she was queen, that was rather an unfair observation, because at one time this offence was adverted to by the noble earl, in connexion with the high station which her majesty occupied as queen of England, and upon another, he agreed on it because it had been committed when she was not queen.

"He came now to consider what would be the consequence of their lordships adopting the measure of an impeachment. The noble earl had observed, that even were they to proceed by impeachment, there were no means of punishment applicable to the case; it would afford none that their lordships would consider to be applicable; and he had proceeded to infer from the case of Lord Strangford, which he had quoted, that 'degradation' was not within the power of the House of Lords, as a judicial assembly."

The Earl of LIVERPOOL "doubted whether a sentence of the house would have that effect, except it were followed by some special act of parliament."

Earl GREY, in continuation, said "that the noble earl had enumerated a variety of cases in which degradation had been decreed by that house; and that their abridgment was almost enough for his (Earl Grey's) argument. His lordship had referred to the case of Lord Strangford expressly to show, as he understood it, that upon an occasion when the House of Lords wished to inflict degradation, the House of Lords in Ireland found it necessary to resort to a bill of pains and penalties, and not to an impeachment. But he (Earl Grey) thought he could show the noble earl that they had other reasons for that course, and did not think that a sentence of degradation could only be effected by a bill of pains and penalties. In that particular case, their lordships would recollect that the offence charged was committed by him in the House of Lords, in his capacity of a peer of parliament. Now he did not know, in such an instance, how evidence could well be given before the House of Commons: such

offence having been committed by him as a peer of parliament, and in the exercise of his parliamentary duties, it was fair to suppose that an argument might arise in the House of Commons upon the inquiry, the result of which might not be a bill of pains and penalties. As to what the noble earl had inferred from Lord Strangford's case, surely he must recollect that the great Lord Bacon, under a sentence of that house, after his impeachment, was incapacitated from sitting or voting there, or coming within its verge. His crime was the same as that charged upon Lord Strangford: and the noble earl must also remember, that Cranfield, Earl of Middlesex, was subjected to the same sort of degradation. On these grounds he maintained that the object of the bill before them might be attained under a judicial sentence of their house, and in a far better way. (The noble earl then went on to express his conviction that the course he recommended would be liable to infinitely less objection than that upon which their lordships were called on to engage, and be much more satisfactory to the public: it would be far better, after they had entered upon a solemn judicial inquiry, such as would ensue upon an impeachment—after they had heard the evidence produced, and examined witnesses on both sides, according to the forms of that house—to bring in a bill founded upon such regular and solemn proceedings, than to go on with that which was now submitted to them.) The feeling against the bill of pains and penalties, in this business, was one almost as universal as the air. It was not confined to the lower orders, but it was the common and equal sentiment of almost every family and every individual of our whole valuable and thinking community. This bill of pains and penalties he considered to be so objectionable upon public principles—and even the noble earl himself admitted it to be so objectionable upon many weighty grounds of difficulty—that it was not a proceeding proper to be resorted to on this occasion. But a parliamentary impeachment would lie upon this occasion.

"There were strong motives for it, upon principles of public policy and political justice. He had already told them

that the general feeling of the public was eager, vehement, and universal against the mode of the noble earls; and that it was a mode in every way liable to great objections. He would wish their lordships to consider, whether, instead of persevering in one so viewed by the public—one, of which they themselves in that house had a distrust even at the very moment of acting upon it—it would not be better now to abandon it, and to adopt some measure less liable to objection, and not surrounded by all those dangers that were to be apprehended from this proceeding under present circumstances? The consequences of the House of Commons refusing to adopt an impeachment, such as he would recommend to them, would be of infinitely less importance and danger than those which might follow, and he feared would most probably follow, from their persevering in the present measure. Though it might be true that the House of Commons had abandoned their mode of proceeding in consequence of the adoption of a bill of pains and penalties in that house, he did not think the inference which the noble earl drew from this fact to be a correct one—namely, that the impeachment of the queen was considered unadvisable, or that, from its not having been adopted in the House of Commons, it was not a course which might be adopted by their lordships. Why might not the House of Commons eventually adopt that which he (Lord Grey) maintained to be the most proper and constitutional course—namely, a proceeding by impeachment? In that case the House of Commons would be in the place of a grand jury, which a secret committee of their lordships had been most falsely and erroneously defined to be. The House of Commons, as a most popular branch of the legislature, was vested with powers to put certain matters in a train of judicial inquiry before that house, which was the highest court of judicature in the kingdom. Supposing that the House of Commons, as grand jurors of the kingdom, should find a bill against the queen, and present it at that bar, their lordships would then have to act in their judicial capacity, which her majesty's learned and able counsel had stated,

they should infinitely prefer; but no proceeding, he thought, wherein their lordships acted partly in their judicial, and partly in their legislative capacity, could have the same desirable effect, or be equally satisfactory, with one wherein they should sit as judges in a court of judicature. But supposing that the proceeding were to come there from the other house, and as a motion of impeachment, what inconvenience, in the case of their lordships' refusal to concur with it, would follow? No more than every day arose upon the findings of grand juries. Grand juries, every day, found bills upon *ex-parte* evidence, their determinations upon which were for ever reversed by the courts of justice, who had an opportunity of proceeding upon better grounds, and investigating the whole evidence. All the information which belonged to those courts, besides that submitted to the jury which has found, and the power of examining upon oath, for ever produced a contrary verdict or finding to that of a grand jury. The same might be the case here: and, if so, what prejudice ensued? None. The House of Peers, having this superior power of examining upon oath—having upon its benches persons of the highest legal knowledge, and being assisted by the learned judges themselves—had, upon all such occasions, been enabled to form a more correct judgment on the case, and to take a view of it which the more limited forms of the House of Commons, and even its very constitution, did not admit of. But supposing that their lordships confirmed the decision of the other house; then, he asked, whether a proceeding so coming there, and being fully investigated, with all the forms and solemnities which belonged to their lordships' proceedings, would not, upon so confirming the decision, be infinitely more satisfactory to the public, to noble lords themselves, and, most likely, to moral feeling, than that which they were now called upon to support? Suppose the House of Commons should throw out the bill? What, then, would be the difficulty in which they would be involved? Every one would be alarmed and terrified at the charge against the queen, thus recorded in a bill which had never passed. Not only would not

that charge be further proceeded in; but the case would be, that after that solemn charge and condemnation had passed their lordships, and been sent down to the House of Commons, that bill would remain recorded, which after charging the queen with all these crimes, and expressing the opinion of the House of Lords that a sentence of degradation should pass against her, had been thrown out of the House of Commons. Could their lordships tell him, in such a case, what they would do? Could they tell him, in this tremendous difficulty, how they would act? He had urged to them what was the public opinion, and what the universal feeling upon the bill on their table. Their lordships were judges in the last resort, and they were going to make themselves judges in the first. They were about to meet that fearful difficulty which he had been supposing. He deeply lamented that the proceeding had ever been originally proposed in this manner. Here he must state (and that in a manner which might give offence to some) what would be the character of that house with the country, in consequence of its having adopted the measure of a secret committee, after the House of Commons had refused to do so. He was afraid that the prediction which he had formerly ventured to make, as to the character of their lordships' house, would be too speedily and too strikingly verified. Their path was strewed with difficulties upon whatever spot they put their feet. But let them, if possible, avert the calamitous consequences of entering upon a measure the dangers of which were inevitable. After the motion of the noble lord had been disposed of, and the question upon the motion of the noble earl should have been put—'That counsel be called in,' against which he (Lord Grey) should certainly vote, he hoped that their lordships would allow him to submit for their consideration another motion, which he trusted might lead to another and much better course of proceeding. If it should afterwards appear that there was a refusal on the part of the House of Commons to adopt such a measure, his proposition, he thought, would entail upon their lordships much less danger and inconvenience than that which would

arise from persevering in the present proceeding. He should therefore move, after the motion of the noble earl (Liverpool) had been disposed of, 'That the bill, entitled a bill of pains and penalties for the purpose of degrading her majesty the queen, does not afford the most advisable mode of prosecuting the charges which have been brought against her majesty, and that it is not, under the present circumstances, necessary or expedient to proceed further in the same for that purpose.'"

The LORD CHANCELLOR proceeded to put the original question, and then the amendment of Lord Liverpool, "that counsel be called in;" upon which latter their lordships finally divided, the numbers being—

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Lord CALTHORPE, after the report which the secret committee had submitted to the house, thought the moral welfare of the state imperiously called for an inquiry; but he thought it advisable that some expedient should be adopted that would put a stop to this particular bill, and at the same time pledge the house to pursue any other course of proceeding that the circumstances of the case might demand. He concluded by imploring the house to pause at this last stage at which a pause was practicable, and to consider whether it was not possible to suggest some other course, either by impeachment or otherwise, that should supersede the present mode of proceeding, and be more conformable to those institutes of justice by which their lordships' judicial conduct was usually regulated.

The LORD CHANCELLOR now called upon Earl Grey for his resolution, which the noble earl handed in. It was as follows:—

"That it appears that the bill now before the house does not afford the most advisable means of prosecuting the charges against her majesty, and that, therefore, under the present circumstances, it is not necessary or expedient to proceed further with it."

SIR ROBERT GIFFORD,

His Majesty's Attorney General.

Sketched by A. Wivell *& Engraved by* J. Wright.

London Published by Thos. Kelly, *17 Paternoster Row, March 28, 1821.*

This resolution was put as an amendment to the motion of Lord Liverpool, "That counsel be called in," and was negatived by a division, as follows:—

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Counsel were then called in.

The LORD CHANCELLOR.—"Mr. Attorney-General, you will proceed to open your case."

CHARGES AGAINST THE QUEEN.

The ATTORNEY-GENERAL*.—"MY LORDS, I now attend at your bar to fulfil the duty which you have demanded, of stating to your lordships the circumstances which are to be adduced in evidence in support of the charges which are contained in the preamble of the bill now under your lordships' consideration. A duty, my lords, more painful or more anxious, I believe was never imposed upon any individual to accomplish. I have to state to your lordships the circumstances which are to be adduced in evidence in support of those serious and heavy charges which are made in the preamble of the bill, which have already been so much the subject of discussion,—charges which, in the language of the preamble, not only reflect the greatest scandal and disgrace upon the individual against whom they are made, but also upon the country itself. The highest individual, as a subject, in the country is charged with one of the most serious offences both against the laws of God and man,—it is that of an adulterous intercourse, carried on under circumstances of the greatest aggravation. My lords, upon the nature of this charge, or upon the importance of this investigation, it is quite unnecessary for me to enlarge. Your lordships, and every individual

* The silence which at this moment pervaded the house was rendered more impressive by loud peals of thunder, that burst in rapid succession over the building.

in the country, are fully capable of estimating these topics in their proper light. The only consolation, my lords, which I derive under the discharge of the duty which I have now to fulfil, is, that it calls not upon me to address myself to your lordships' passions or feelings; and that I shall best discharge it, according to your lordships' command, by abstaining from any observation which might tend to aggravate the charge made against so illustrious a person. I shall confine myself, in this stage of the proceeding, to a clear, simple, but full recital of the facts which are to be alleged in evidence.

"My lords, we are now arrived at that period of these proceedings in which silence can no longer be preserved. It is now necessary to state the charges, in the fullest extent in which they can be laid before your lordships and the public; and if, in the recital of the circumstances which I have to detail, I shall be under the painful necessity of bringing before your lordships scenes which must disgust every well-regulated mind,—transactions which must offend the feelings of every honourable and virtuous person, I am sure your lordships will think that, upon this occasion, I ought to hold no reserve, at the same time taking care to state nothing which, in my conscience, I do not believe I shall be able to substantiate by proof.

"My lords, undoubtedly the recital must involve a considerable space of time, and apply to facts which occurred in various places, in which her majesty chanced to be during her residence abroad. I shall therefore commence my statement at that period when her majesty quitted this country, and proceed, as well as I can, to detail the various facts and circumstances which took place from that period almost to the time I now have the honour of addressing your lordships.

"It was well known to their lordships and the country that, in the year 1814, her majesty, for reasons operating upon her own mind, thought fit to withdraw herself from this country, for the purpose of travelling upon the continent, or visiting other countries. She went, in the first instance, to Brunswick, and from thence, after a short stay, she went to Italy,

and arrived at Milan on the 9th of October, 1814. Her majesty, when she quitted this country, quitted it with persons about her who were precisely such persons as should be about an individual of her exalted rank, connected with distinguished families in this kingdom. Among these were Lady Charlotte Lindsay and Lady Elizabeth Forbes, who were her maids of honour; Mr. St. Leger, who was her chamberlain; and Sir Wm. Gell, and the Hon. Keppel Craven, who, I believe, were attached to her in a similar character. She was also accompanied by Captain Este, as her equerry, and Dr. Holland, as her physician, besides other persons, whom it is unnecessary to enumerate. With this suite her majesty arrived at Milan. It was her intention to proceed to other parts of Italy, and to visit Naples. She remained at Milan for the space of three weeks, and during that period a person was received into her service whose name occurred in the preamble of this bill, and whose name will frequently occur in the course of these proceedings,—a person of the name of Bergami, who was received by her as a courier, or footman, or *valet de place*. This person, at the time he entered into her majesty's service, was in want of employment; but he had been in the service of General Pino, and was received into her suite in the capacity which he had stated, about fourteen or fifteen days previous to her majesty's departure from Milan. Her majesty, on quitting Milan, proceeded to Rome, and from thence she went to Naples, where she arrived on the 8th of November, 1814. This person had not been in her majesty's service more than three weeks. He begged to call their lordships' attention to this circumstance, because they would find how material it became when they listened to the facts which presently it would be his melancholy duty to relate. He should have stated, that, besides the persons whom he mentioned as accompanying her majesty from this country, there was a lad, whose name was perhaps familiar to their lordships,—he meant William Austin. Up to the time of her majesty's arrival at Naples, this lad was the object of her peculiar attention; and, in fact, being a boy of only six or seven years of age, was in the

habit of sleeping in a bed in the same room with her majesty. The arrangement of her majesty's own sleeping apartment devolved upon one servant, whose peculiar duty it was to attend to that branch of her domestic comfort. On the arrival of her majesty's suite at Naples, it was so arranged that her majesty's sleeping-room was at an opposite side of the house to that of her menial domestics, among whom was her courier. On the first night of her majesty's arrival at Naples (the 8th of November,) this arrangement was continued. Bergami slept in that part of the house which had been prepared for the domestics, and young Austin slept in her majesty's apartment. But on the following morning, November the 9th, the servants of the establishment learned with some surprise, because no reason appeared to them for the change, that Bergami was no longer to sleep in that part of the house where he had slept the night preceding; but that it was her majesty's pleasure that he should sleep in a room from which there was a free communication with that of her majesty, by means of a corridor or passage. He need not state, that such a circumstance was calculated to excite the surprise of those who were about her majesty's person: and that surprise was increased when they learnt from her majesty that she no longer wished Wm. Austin to continue to sleep in her room. For this she assigned a reason which, if it was her only motive, was proper; she said that he had now arrived at an age when it was no longer becoming that he should sleep in her apartment; and a separate room was prepared for his use.

"Upon the evening of the 9th of November her majesty went to the Opera at Naples, but it was observed that she returned home at a very early hour. The person who waited upon her, on her return, was the maid-servant, whose duty it was particularly to attend to her bedroom. She was struck with the manner of the princess, and with the agitation which she manifested. She hastened to her apartment, and gave strict orders that Austin should not be admitted to her room that evening. She was then observed to go from her own room towards that assigned to Bergami. She very soon dismissed

her female attendant, telling her that she had no further occasion for her services. The female servant retired; but not without those suspicions which the circumstances were calculated to excite in the mind of any individual. She knew, at the time, that Bergami was in his bed-room, for this was the first night of his having taken advantage of the arrangement which had been previously made. It was quite new, on the part of the princess, to dismiss her attendants so abruptly; and when her conduct and demeanour were considered, suspicions arose which it was impossible to exclude. But if suspicions were excited then, how were they confirmed on the following morning? If I prove (said the attorney-general) by evidence at your lordships' bar what I am now going to state, I submit that there will then be before their lordships evidence on which no jury would hesitate to decide, that adultery had that night been committed between this exalted person and her menial servant; for, upon the following morning, on observing the state of her room, it was evident that her majesty had not slept in her own bed that night. Her bed remained in the same state as on the preceding evening, while the bed of the other person had, to those who saw it, clear and decisive marks of two persons having slept in it. On the following morning her majesty did not make her usual signal on rising, but remained in the apartments with Bergami until a late hour. As she had recently arrived in Naples, some persons of distinction were naturally led to pay their respects to her: several called on that morning, but she was accessible to none. He (the attorney-general) had already mentioned the state of the beds, and upon these facts no man could well hesitate as to the conclusion at which he must arrive. But, taking into account the various attendant circumstances, their lordships could not doubt that this was the commencement of that most scandalous, most degrading, and most licentious intercourse, which would be found to continue and increase. The natural effect of it was, to lessen the comparative distance between the parties, and which ought to exist between persons of royal rank and menial servants. When once a princess thus debased herself, it occa-

not censure him for stating, in the way he was doing, those facts which it was necessary he should lay before them.

"Proceeding then with his narrative, he had to observe, that her majesty remained in Naples from November to March, and that it would be proved that during the whole of that period the kind of intimacy he had described as existing between her majesty and Bergami continued to increase. It certainly was not his wish to found any argument on statements which rested merely on public rumour, but he could not help alluding to one remarkable circumstance, and leaving it, connected with the others, for their lordships' consideration. It was certainly very singular, that on leaving Naples her majesty was abandoned by the greater part of her English suite. Mr. St. Leger, it was true, had quitted her before; he left her at Brunswick, and he admitted that no inference could be drawn from his case. But on her majesty's departure from Naples, Lady E. Forbes, Sir W. Gell, the honourable Mr. Craven, and Captain Este, separated from her. Thus of the seven persons who composed her majesty's suite when she left this country, no less than four left her in Naples. There might be, and perhaps would be, in another part of the proceedings, assigned on the part of these persons, reasons for this act, which had nothing to do with the conduct of the queen; but he could not help thinking it extremely singular that she should at this particular time have lost so large a portion of the suite that accompanied her on her departure from England. He could not help supposing that, though these persons might be unacquainted with the intimacy between Bergami and the queen, some rumours on the subject had reached them. Whether their lordships would, from this occurrence, think there was reason to believe that these persons were aware of the degrading intercourse which subsisted between the queen and Bergami, he could not tell; but the inference to be drawn from it was, that they probably had heard something of the disgusting familiarities which had taken place.

"During her majesty's residence at Naples another circumstance took place to which it was his duty to call their lord-

ships' attention. A masquerade was held at a theatre called, the Theatre of St. Charles. To this entertainment her majesty chose to go in a very extraordinary manner, accompanied not by Lady Charlotte Lindsay or Lady Elizabeth Forbes, or even by any of the gentlemen of her suite, but by the courier Bergami and a *femme de chambre* of the name of Dumont. The dresses chosen by her majesty for herself and her companions to appear on this occasion were, as he was instructed, of a description so indecent as to attract the attention of the whole company, and to call forth marks of general disapprobation. Indeed, so strong was the disapprobation, that her majesty, finding she was recognised, was under the necessity of withdrawing with her companions from the entertainment, and returning home. There was also something extraordinary in the manner in which she was conveyed to this theatre. How did she go? Not publicly, in her own carriage, attended by her suite; not from the public door of her residence, but a common fiacre was stationed behind her house, and she crossed the garden privately, and in the darkness of the night, to this vehicle, which was waiting at the garden-gate. In this way, and in the dress he had described, she proceeded from her house accompanied by Bergami and Dumont. Some criticisms had been made on the language in which the bill before their lordships was drawn up, and it had been made a question as to what ought to be called decent or indecent conduct. Now he would ask any man, whether, if the facts he had stated were proved, there would not be evidence of conduct of the most indecent kind—evidence sufficient to support the charge of most indecent and disgusting conduct, not only if applied to a person of the rank of her royal highness the Princess of Wales, but to any woman of common delicacy in any rank of life? He must here observe, that it appeared to him no small aggravation of the charge, that this Bergami was, at the same time that he entered her majesty's service, and during the period of this disgusting intercourse, a married man. He was aware that adultery was a crime which could scarcely be aggravated, but here there was a double adultery. He had

now again to state, what he was afraid he should have occasion too often to repeat to their lordships, that the evidence proved these acts of familiarity and intercourse to have continued daily, and without interruption. It would be proved, that during her majesty's residence at Naples, she and Bergami were in the habit of breakfasting together; that they were observed to come from their rooms at the same hour in the morning, and to retire about the same period in the evening. It would also be proved, that her majesty dismissed from the attendance on her in her bed-room the female servants who were in the habit of assisting in undressing her, and that this remarkable circumstance occurred—that Bergami was the only individual among her servants who entered her apartment without intimation of his presence being wanted. This was a liberty which no other person in her suite could venture to take, but he entered at all times without any previous notice. Thus he went on, with a daily assumption of authority and increased freedom, and very soon became lord and master in her majesty's household.

"Upon her majesty's quitting Naples, in the month of March, she proceeded towards Rome. She remained, however, some days at Civita Vecchia, and afterwards embarked for Genoa, leaving in the course of her voyage Lady C. Lindsay at Leghorn. Thus at this period she had no English lady in her suite. At Genoa she was joined by Lady C. Campbell, who remained with her until the May following, and then left her at Milan. The vessel which conveyed her majesty and her suite was the Clorinde; and, on embarking, Bergami still filled the situation of courier, and waited upon her at table during the whole of the voyage at Genoa. When there, it was observed that the intimacy between the queen and Bergami continued unchanged, and that the freedoms in which he indulged increased. He frequently took the liberty of withdrawing from the menial services it was his duty to perform, and accompanied her majesty in all her rides and walks about Genoa. He had a bedroom as usual near her majesty's, and here the same observation was made as at Naples,

but more frequently, that her majesty's bed seldom appeared to have been slept in. There was sometimes an appearance of her bed being pressed down as if on purpose, but in general the servants did not make it, because it was so little discomposed that they found that trouble unnecessary, and seldom did more than smooth down the coverlet. In Bergami's room, on the contrary, which was near at hand, there was the appearance of two persons having slept. Here he must interrupt his narrative to ask their lordships, what reason could possibly be assigned for the constant and close attendance of this man upon her majesty in her own apartments? If it was really necessary for a male attendant to sleep near her bedroom, why was not one of higher rank selected? Why did she not fix on some of the gentlemen of her suite? Why was this man chosen, whom she had known only for three weeks, and with whom, except for the purpose of the disgusting intercourse he had described, she could have no occasion for intimacy, and very little for conversation? When to this he added, that Bergami's bed had frequently the appearance of two persons having slept in it, could their lordships doubt for what purpose she had left her own unoccupied? He had already stated that her majesty had been seen to visit this man in his apartment while he was in bed. What could their lordships think of this conduct in a lady of her high rank—of the Princess of Wales visiting a common courier in bed? Could any man believe it to be done for any other purpose than the continuance of that adulterous intercourse which had previously taken place between them.

"He was sensible it was necessary for their lordships to be fully satisfied that the charges he brought forward were sufficient to warrant their proceeding with the bill; but if what he had already stated should not be thought sufficient to support the allegations, the facts he had still to detail would place that question beyond all doubt. Their lordships had already been informed that the same familiarity which was observed between her majesty and Bergami at Naples continued at Genoa. Here they constantly breakfasted together

in the same apartment, in a retired part of the house; and here he came to some of those circumstances which peculiarly marked the power this man had obtained over her majesty. This favourite, he had already stated, was a married man. He had a daughter named Victorine: this child he brought to the queen, and she was taken by her majesty into her household. His brother had previously been employed in a menial capacity. A person of the name of Faustina was engaged for the purpose of taking care of this child. This person proved to be one of the sisters of Bergami. His mother had been also taken into the house. Thus it appeared that merely from affection to this man her majesty had been induced to take upon herself the charge of maintaining his mother, his brother, his sister, and this child, Victorine. He would ask their lordships, whether it was likely that an ordinary servant could have power over her majesty to make her burden herself in this way with the whole of his family? How was this to be explained? Was it usual in any family to see a menial so rewarded, even after a long period of services? But Bergami had only been in her majesty's service from August to the following April. Thus, after the service of a few short months, he was able to introduce all his family into the house. The child Victorine was at this time three years old. And who was employed to care care of her? One would have naturally supposed that she would have been committed to the care of her mother and the wife of Bergami. It was natural to think that she was the person best fitted to watch over the health of the infant; but the mother was not received into the house, and the infant was withdrawn from the fostering hand best calculated to attend to its wants. Here, however, it was to be observed, that though her majesty knew that Bergami was married, she gave out to those about her that he was not. She stated that the child which she was anxious to take under her royal protection was Bergami's, by some illicit connexion. That Bergami was an unmarried man who had had a child, was surely no recommendation calculated to increase the regard of a mistress for her

servant: she, however, made no difficulty on this point; but, as he had stated, received the child into her house.

"In the month of May, her majesty removed from Genoa to Milan, leaving Lady C. Campbell behind. She was afterwards joined by this lady at Milan, but who soon afterwards quitted the family. In travelling from Genoa to Milan, she was accompanied by Bergami, who, though in the character of her courier, was seen frequently to go up to the carriage and converse with her. Their lordships would recollect that he had stated that Lady C. Campbell did not accompany her majesty on this occasion. It was, as he had said, observed, that during the journey, her majesty frequently conversed with Bergami, offered him refreshments, and showed him repeated marks of attention, he being all this time still habited and serving as a courier. When Lady C. Campbell left her majesty at Milan, no English lady remained in her suite. One would have thought that, considering the high rank which she occupied—considering that she was in the situation of expecting soon to become queen-consort of this country—one would have thought that she would have been anxious to have had constantly about her person some English ladies of distinction, or, at least, that she would have looked out for ladies of a similar rank in her native country of Brunswick, or in that part of the continent in which she resided. But, quite the contrary; she received here into her service and confidence a person whom she had never seen before, a person of vulgar manners and totally uneducated; and (was it credible?) this person was another sister of Bergami's. Such was the power of this man over her, that this person, dignified by the title of Countess of Oldi, was received into her house as her principal attendant. Thus their lordships had now under the same roof with her majesty, two sisters, the mother, the brother, and the child of Bergami; one sister sitting at table with the queen as her lady of honour, while the other dined with the servants. The brother, who, he believed, was also a courier, the mother, and Bergami, lived at this time with the sister among the servants. This was the state of things in May,

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1815. Bergami was anxious that the new lady of honour should not be known to be his sister; but the fact existed, that this person, called the Countess of Oldi, whom her majesty made her companion, and placed in the same situation which had been formerly filled by Ladies E. Forbes, C. Lindsay, and C. Campbell, was no other than the sister of the courier Bergami. He certainly did not ask their lordships to decide on suspicion; but he would ask them, what cause, what motive, there could be for the introduction of this woman as maid of honour, and the rest of Bergami's family in different capacities, into her majesty's establishment? He did not ask them to scrutinize her majesty's conduct too minutely, but could they for a moment doubt the inference to be drawn from these facts, when coupled with the others which set out stated? Her majesty did not continue long at Milan; she was on a tour to Venice, still accompanied by her courier Bergami, whom she treated with the usual familiarity. In this journey to Venice, which took place in the month of May or of June, 1815, Mr. W. Burrell was the only English gentleman who accompanied her majesty to Venice.

Her majesty resided at a hotel in Venice. One day after she had dined, during which time Bergami had waited on her at table, she was observed by one of the servants of the hotel to take a gold chain off her neck, and put it on his; this transaction was accompanied by much familiarity and playfulness. Bergami withdrew the chain from his neck, and replaced it on the person of her majesty. This reciprocal toying was continued for some time. Why did he mention this fact? He did not mention it on its own account, but to shew how rapidly the familiarity between her majesty and Bergami increased, and how much influence that man had acquired over the mind of his royal mistress. After this scene, Bergami withdrew to a place where he sat retired from the rest of the servants. Upon the whole, nothing he thought could more conclusively prove that great intimacy which had grown up between this man and the queen than the fact he had stated. On the return of the queen to Milan, Mr. W. Burrell quitted her

majesty's service at the villa Villani. It was observed, that in proportion as the English left her majesty she became less and less reserved in her intercourse with Bergami. In this villa it was observed that she presented him with a gown of blue silk which she had worn, and which he afterwards wore in the mornings; it was also observed that there, as at all other places, his room was very near hers, and that there was a communication between the apartments which might facilitate the passing from one to the other without the notice of the servants. After Mr. Burrell was gone, and there were no longer any English in her majesty's train, her familiarities with all her servants became greater. She frequently played at games with them. He did not impute this to her majesty as an offence, he only alluded to it as a circumstance arising out of her infatuated and licentious attachment. Having left the villa Villani, she visited in August, 1815, Mont St. Gothard, still accompanied by Bergami. At Vannes a very remarkable transaction took place. Her majesty stopped at an inn in that place, where she dined, and it would appear in evidence that she retired with Bergami to a bed-room, and was there locked up with him for a considerable time. This happened in the day-time, and under circumstances in which there could be no possible occasion for the attendance of this man on her person. He was still in the character of a courier. After dinner they visited Madona del Monte, where they slept, and next day went to Borromeo. When her majesty came from Germany she had been at this place, and then the best room which the hotel afforded had been assigned to her. It was naturally to be expected that she would occupy the same room again, and it was at her command; but this room had no communication with any other, and it was therefore worthy of remark, that on this second visit to Borromeo she selected another and very inferior apartment, but which communicated directly with Bergami's room. This conduct was surely very singular. What reason was there for Bergami having on all occasions a room next to her majesty's? Why was this arrangement so studiously followed? Why was the room which

her majesty had occupied when she first visited Italy, and which was now again offered her, declined for a meaner one? The reason was obviously to be traced to that increased attachment which she had formed for Bergami. She took care on this occasion that his room should be near hers, for no other reason but to afford the means of carrying on that intercourse which, from the scenes he had already described, must be inferred to have previously subsisted between them. Her majesty next proceeded to Bellinzone, and here the intimacy between her and Bergami continued, and his influence was carried to such a height, that he now sat at table with her. He had never before attempted thus publicly, though they had often breakfasted together privately; he had never before sat down to dine with her majesty, but now at this place that step was for the first time taken, and he was admitted to dine with her majesty in his courier's dress. Did this conduct accord with the dignity becoming a princess? What entitled this man to such an honour? If his merits justified his promotion, would it not have been more becoming to have raised him to those dignities which he had since obtained, before such marked favour was shown him? But her majesty's zeal to reward him was too impatient for delay. Could this, he asked their lordships, be regarded as mere levity, as a pardonable familiarity resulting from foreign manners, or a natural vivacity of spirits? Their lordships, he apprehended, would attach but little weight to a justification of this kind. When they looked to the illustrious rank of the princess, and observed her keeping up so close and continued an intimacy with a menial servant, treating him on every occasion as her familiar associate and confidential friend, they would feel themselves at a loss to explain such demeanour except upon one supposition. Was such conduct ever before heard of, he would not say amongst the highest ranks of life, but amongst the middle classes of society? If it was not the custom amongst them to admit menial servants to the same table—if it was considered improper by private individuals—it must in the case of her royal highness be viewed as most

indecorous and disgusting. It could be accounted for only by that unfortunate attachment which she had formed, and to that criminal intercourse, the usual effect of which was to throw down all distinctions between the parties to it, to raise the obscure to a level with the high, and induce the one to claim equal privileges and attentions with the other. On this occasion they visited Lugano, where their lordships would find decisive evidence that the same adulterous intercourse which had taken place elsewhere was renewed. The same arrangements with regard to the occupation of rooms were made, and the chamber of the courier Bergami adjoined to that of the Princess of Wales. If these facts should be supported in evidence, no doubt could remain in the minds of their lordships that a criminal intercourse was regularly carried on. On their return from this tour the princess established herself near Como, in a place called Deste. Here their rooms were divided only by a small cabinet, and were apart from those occupied by the rest of the family. Here too, as on former occasions, they retired at night and rose in the morning about the same time. It was now conceived that appearances would be better preserved if Bergami were raised to a higher rank in the princess's service, and he was accordingly appointed her chamberlain. After this advancement he always dined at her table, together with her *dame d'honneur*, the Countess Oldi, his sister. She remained here till November, 1815, when she embarked on board the Leviathan, on a voyage to Sicily. The best arrangements which suggested themselves at this time were made for her accommodation, and a cabin adjoining to hers was fitted up for two female attendants. When, however, she came on board, directions were given to alter the arrangement, and the cabin just mentioned was appropriated to the use of Bergami. In the course of her voyage she visited Elba, and arrived at Palermo on the 26th of November. Bergami still dined at her table, and it was remarkable that on their travels they endeavoured to avoid as much as possible the observations of English persons. While on board, the familiarities which probably took place between

them were concealed, but they were accustomed to walk arm in arm upon deck, and to manifest every sign of the warmest attachment. At Palermo the princess went to court with Bergami in a magnificent hussar dress. From thence she departed and went to Messina, where she remained till the 6th of January, 1816. Here her bed-room was, as on preceding occasions, near to that of Bergami, separated from, it however, by that in which the Countess Oldi, his sister, slept. The outer room was always kept locked, but a female servant frequently overheard her in conversation with Bergami. This servant, when sent for, had more than once observed her coming undressed from the direction of Bergami's chamber, through that of the Countess Oldi. It was remarked also that they frequently retired at an early hour, and were not seen again till the following day, the princess requiring none of that female assistance which ladies of high rank usually make use of. She often withdrew without any apparent cause, became more and more regardless of her person, and still more attached to that individual whom she had selected as the object of so many favours. She called him 'her friend,' and sometimes 'her heart,' and behaved with a degree of attention and familiarity towards him that could only be explained by considering them as evidence of an adulterous connexion.

"On the 6th January she embarked on board his majesty's frigate the Clorinde, the same vessel in which she had formerly sailed, and commanded by the same officer. Bergami, who, on the previous voyage, had attended her as a menial servant, was now her chamberlain; but the honourable and gallant officer who commanded felt that he should degrade himself by sitting at the same table with a person whom he had known in his former capacity. Captain Pechell therefore entreated her that, if she condescended to come on board his ship, she would spare him the disgrace and scandal of sitting at table with a menial servant. The conduct of her majesty proved what were her feelings and the impression made on them by the force of this objection. Had Bergami obtained the dignity which he then held by worthy means, had his merits or fidelity

entitled him to so many marks of distinction, would not her majesty have expressed the utmost resentment at Captain Pechell's objection; would she not have said, that he with whom she did not consider that she demeaned herself by associating, was fit society for any British officer, be he who he might; that an insult had been offered to her, and to the nation which had provided her with ships of war in order to visit foreign countries; that she would complain to superior authority, and not go on board till she should have received reparation? But was this the conduct of her majesty on that occasion? If Bergami's advancement were a proof of his merits, and his merits alone, would not this, or something like this, have been her majesty's reply? But the inward consciousness that the advancement of that person originated in a licentious passion, and was founded on a gross and scandalous intercourse, prevented the adoption of a step which would otherwise have been perfectly natural. She took a day or two to deliberate whether she should give up the society of her paramour for that of Captain Pechell, and stated to the latter that Captain Briggs, of the Leviathan, had not objected to the admission of Bergami to his table. The answer was, that there was this material difference between the situation of Captain Briggs and Captain Pechell, that the former had never known Bergami in his menial situation, but that he had actually waited behind Captain Pechell's chair. This delay of a day or two furnished a convincing proof of the influence acquired over her by this unhappy infatuation. She submitted to be insulted by an English captain, (for an insult it was, unless the circumstances justified his remonstrance, and he was sure their lordships would see that he had only done what he felt to be his duty.) Rather than sacrifice the society of Bergami, she went on board, declined Captain Pechell's table, and ordered a separate one, at which she continued for several days to dine, and suffer the degradation of associating with a person whom the captain refused to admit.

"She landed at Syracuse, where a similar arrangement as to the selection of rooms was again made, and, after a stay of

three days, she proceeded to Catania. Here Bergami's bedroom was at first at a distance from hers, but a change soon took place, and means were adopted to secure a regular access. Again, it was observed that they retired at an earlier hour than other persons, and on one occasion the *filles de chambre* having sat up later than usual, observed the door of Bergami's room open, and the Princess coming out of it, under circumstances which satisfied them that she had passed the night there. She was undressed, and had under her arm the pillow on which it was her uniform custom to sleep. This fact alone, if proved in evidence, would be sufficient to satisfy any jury that a criminal intercourse had taken place; but, when added to all the other circumstances, must remove all doubt on that subject from the mind of every man.

"It would appear, too, that her majesty had conceived an extraordinary fondness for an infant child of Bergami, between two and three years old, which slept in the same room, and often in the same bed with her. She treated it with every mark of parental affection, sometimes calling it 'princess;' and the child, on the other hand, would cry, and was with difficulty pacified when she happened to quit the room. The child called 'mamma;' and these circumstances altogether persuaded the servants at Catania that it was not the first occasion on which an adulterous intercourse had been carried on. Having conferred so many honours on Bergami, she now procured for him the dignity of a knight of Malta, and always addressed him as chevalier. What necessity was there for this, or what reason but that guilty attachment which had been so often indicated could be assigned for it? Whilst at Catania, the nobility tendered to her their respects, and she enjoyed at first the society of the first persons there; but, after a short residence, she became indifferent to all society but that of her paramour, and they gradually withdrew. From this place she proceeded to Augusta."

It being now four o'clock, the Lord Chancellor moved an adjournment. Several peers were desirous of proceeding, but it was finally agreed to adjourn, the attorney-general having

observed to their lordships, with considerable emphasis, that he had not yet gone through one-half of his narrative.

Her majesty did not attend the trial this day.

FOURTH DAY,—MONDAY, AUGUST 21.

The counsel on both sides being called in,

Mr. ATTORNEY-GENERAL was directed to proceed in further opening the allegations of the bill. The learned gentleman said, "he had now to resume the statement of the facts that would be adduced in evidence in support of the charges against her majesty. It would be, he believed, in the recollection of their lordships that, when he left off in his statement on Saturday, he had brought her majesty, then Princess of Wales, and her suite to Catania, in Sicily; and before he continued the narrative, he felt it his duty to supply an omission in the statement made respecting her majesty's suite. It would be in their lordships' recollection that he stated that Dr. Holland was in her majesty's suite; but he had not mentioned at what time that gentleman left her service. Their lordships might lie under the erroneous impression that Dr. Holland had continued with her majesty up to the last date, of which he had already spoken; the fact was, the doctor quitted her service at Milan, when her majesty went to Genoa, upon the tour he had already described, in May, 1815. He should also have stated that, about that period, she took into her service a Mr. Howland and a Mr. Flynn.

"The learned gentleman would now proceed with his statement in the order he had hitherto followed. Her majesty proceeded from Catania to Augusta, also in Sicily. This journey she made in the month of March, 1816. He had already informed their lordships that, during the residence of the queen in Catania, she procured for Bergami the title of knight of Malta. Upon her arrival at Augusta, she obtained for him a new dignity,—the title of Baron de la Francino. He was not aware what circumstances could entitle him to such an

honour, or that any thing could have induced her majesty to procure this dignity for him, except the influence which he had obtained over her, in consequence of the familiarity and licentious intercourse which subsisted between them. He had now to state another fact, which would prove the power Bergami had obtained over his mistress,—a power which, as he always said, was to be accounted for by not only the existence of a licentious familiarity, but an adulterous intercourse between them. At Catania and Augusta she sat for her picture. Two were taken, one of which was presented by her to Bergami. In one instance, she sat in the character of a Magdalen, in a dress in which her person was very much exposed. In the other picture she was painted in the dress of a Turkish lady, and along with her was the child Victorine, in a similar dress; Bergami was also painted in a Turkish dress, and this picture was presented to Bergami. Now he must here again observe to their lordships, that to him it was impossible to account for such marks of favour, upon any other ground than that of influence obtained by the adulterous intercourse which he had described. From Augusta her majesty set sail for Tunis, and afterwards visited Greece. For this voyage she hired a vessel of that kind called a polacre, and here he had again to state, that arrangements were made on board this vessel, similar to those their lordships would recollect he had already described on other occasions, for having the sleeping apartments of Bergami and the queen near each other, and for obtaining facility of communication. Her majesty's cabin, as well as that of the Countess of Oldi, communicated with the dining cabin, and on the other side were some apartments for the other female attendants. There were two doors leading into the cabin, one for the queen, and the other for her female servants. For a few nights Bergami slept at some distance from the queen's apartment. But very soon one of the doors, that which served for a communication of the servants into the eating room, was ordered to be closed up, leaving only one entrance to the dining-room and the queen's bed-room. A bed was ordered to be brought for Bergami's accommodation

into the dining cabin, and this bed was so placed that, when the door of the queen's sleeping-room was open, she and Bergami could see each other while in bed, and hold conversation together. The only access to her majesty's bed-room was through the eating-room in which Bergami slept, and when the door of this room was shut there was no means of access to the queen's. The door of the dining-cabin was constantly locked when they retired to rest, and through it was the only communication to the queen's sleeping apartment. Now he would ask their lordships, what conclusion could be drawn from this arrangement but that which the others he had stated had suggested? What other reason, except that of facilitating an adulterous intercourse, could be assigned for her majesty having, either by land or sea, access to her sleeping apartment, open only to Bergami, and closed to all the rest of her suite?

Her majesty proceeded, as he had stated, to Tunis, and from thence to Utica. In the house in which she slept there were only two bed-rooms, one was allotted to her majesty and Victorine, and another to the Countess of Oldi and the other female attendants. The rest of the suite were accommodated at the houses of different consuls in the town. It would appear in evidence that, when her majesty stopped at this place, Bergami came in the morning at a very early hour before her majesty was up, and entered her apartment. Without asking leave or giving the slightest notice, he passed into her bed-room, and there remained alone with her for a considerable time. Here he might be permitted to ask, why Bergami took this liberty?—why he went to her majesty's apartment without being desired? Their lordships would say, whether it was to be supposed she would thus admit nim to her bed-room, if gross familiarity and licentious intercourse had not previously taken place. It was true she had by this time appointed Bergami her chamberlain, had procured for him titles and dignities; but her having raised him from obscurity to distinction could not furnish any ground for thus admitting him to her bed-room.

"Her majesty thus demeaned herself at Utica, on the 8th

April, 1816. On the 12th of that month she arrived at Salona, or Savenha; and here he had to call their lordships attention to a fact which was calculated to remove from their minds every doubt, if any yet remained, on the adulterous intercourse between Bergami and her majesty at Savona. A large bed was provided in an inner room for her majesty; the outer room assigned to Bergami had no bed. There was no access to the bed in the inner room except through Bergami's. It would be proved in evidence that, in the morning after her majesty had slept here, her bed had the appearance of having been slept in by two persons. There was only one passage to her majesty's bed-room; that passage led from Bergami's room, and in his room there was no bed. In any ordinary case this would be sufficient proof to a jury, that the crime of adultery had been committed that night; because, when their lordships found that there were no means of access to the queen's bed-room, but through Bergami's apartment, and that her majesty's bed bore, in the morning, the marks of two persons having lain in it, they could come to no other conclusion but the natural one—that they had committed adultery.

"From the coast of Africa her majesty sailed to Athens, and touched at Malta in her way. They arrived at Athens on the 22d April, 1816, and afterwards visited the Greek Islands, and stopped some time at Melito. Excursions were also made to Troy and Ephesus. He would state a fact which occurred at Athens, which would shew how little of the respect due to her high rank, was paid by Bergami to the princess. At Athens, the captain of an English ship which touched there landed, and called on her royal highness. He was introduced to her royal highness sitting in an alcove in a garden, in which were also the Countess of Oldi and Bergami; the latter seated, and wearing a foraging-cap. Her royal highness rose with the politeness which distinguished all persons of high rank, to receive the officer, and desired him to be seated. Bergami continued seated; and, after a short time left the place without making the least obeisance, or paying those marks of respect which the officers of a court were

always expected to pay: he left the room as if he were a person of equal rank to her royal highness. Why did he mention this fact?—Because it shewed that the familiarity which had taken place between them had been carried to such an extent that he considered his royal mistress to be reduced to a level with himself. This fact was nothing of itself, but it was one which, taken in connexion with others, was very important, and would have weight with a jury. It plainly shewed the assumption of authority by Bergami, and how completely he thought himself relieved from the necessity of paying any mark of respect to her majesty.

"From Athens her royal highness proceeded by the way of Constantinople to Ephesus. Here another circumstance of a very remarkable nature occurred. Her majesty directed a bed to be placed under a vestibule, which fronted a church shaded by trees. Dinner was prepared, but the weather was hot, and her majesty had retired to the vestibule to repose herself. Bergami was seen coming from this vestibule in dishabille, when no other person was supposed to be there but her majesty. Dinner was afterwards ordered to be served in the vestibule for her majesty and Bergami. She sat on the small travelling bed, and he on the floor near her. None of the attendants were admitted to the vestibule, and she and Bergami remained alone together for a considerable time. Now if her royal highness required any attendance within this vestibule, why were not the females of her suite employed for that purpose? Why was Bergami, and Bergami alone, admitted to her bedroom? Soon after her majesty proceeded to Aun, a place in Syria, where again Bergami was treated with the same extraordinary familiarity. A tent was erected for her royal highness, and a bed fitted up for her within it. While she was in bed in this tent, Bergami was seen sitting in his shirt-sleeves, and almost undressed, on the side of the bed. From this tent he was afterwards seen coming in a state of undress. Now if her majesty required any attendance in this tent, why had she not called upon the Countess Oldi, or some other female of her suite? How did it happen that Bergami should be the

person required to attend her while she was in bed, and that he should wait upon her dressed in the unbecoming manner which had been described? This was certainly a circumstance of strong suspicion. But it perhaps might be said that it required something more to prove adultery. He must observe, however, that he believed that in any ordinary case this would be enough to prove the commission of that crime before any court. But their lordships would besides recollect, that, strong as it was, this was not an isolated fact. It was one of a series of the same sort, and he might venture to assert that such familiarity could not be supposed to exist between such persons without a guilty intercourse. No woman would allow such a liberty to be taken with her, unless by a man to whom she had granted the last favour. This might be said not only in the case of a princess and a man who had been her courier, but in the case of any man and woman of respectability in any rank of life. From Aun her majesty proceeded to Jerusalem. Here, not satisfied with the dignities she had already procured for her favourite—nor even with having made him her chamberlain, and procured for him the order of Malta and the title of Baron della Francia—she obtained for him the order of St. Sepulchre. Still, not content with this, she instituted an order of her own, which was called 'the Order of St. Caroline.' After conferring this order on several of her domestics, she made Bergami the Grand Master, (a laugh in the house.) This might excite a smile among their lordships; but it was a circumstance which marked very strongly the state of her majesty's mind. Why did she single out this man to be Grand Master of the order she had created? It was impossible not to conclude that this distinction proceeded from that attachment which she had so strongly manifested to him, which had led to an adulterous intercourse that gave him a powerful influence over her. Why else should she have made a grand master of this man, formerly a courier—now a baron. There was no way of accounting for this but by referring it to that degrading and humiliating passion on the part of her majesty, the calamitous effects of which he had already described. It was that

passion which had made Bergami knight of Malta, knight of St. Sepulchre, grand master of the order of St. Caroline, and the baron della Francina. He had, however, now a fact to state, which, if any doubt still remained with their lordships, would completely banish it. He therefore requested their lordships' particular attention to the statement he was about to make.

"Her majesty embarked at Jaffa, for Italy, on board a polacre: finding it inconvenient to remain in the cabin during the night, she directed a tent to be erected on the deck of the vessel, in order to sleep in it. In this tent a sofa or bed was placed for her majesty, and also a sofa for Bergami. This preparation was made for their sleeping under the same roof, and without any partition or division between them. In this way they continued to sleep every night without intermission until their arrival in Italy. In the day-time the canvass of the tent was drawn up to admit the air; but at night, when they retired into the tent, it was let down, so as to exclude the observation of the crew and her majesty's suite. This not only took place night after night, but frequently in the course of the day. After dinner her majesty and this man retired into the tent, and then the canvass was let down, as he had before described, to exclude observation. This familiarity continued during the voyage from Jaffa to Italy, where they arrived in the month of September, and landed at Terracina. What he had stated he considered not merely presumptive, but positive evidence. Was it ever before heard of, that a lady of rank maintained this familiarity with her chamberlain? Their lordships would see that this intercourse had been maintained for a very considerable time, and it was evident that it could be carried on for no other purpose than that of committing adultery. When their lordships were, in addition to all he had stated, told that she had often been seen during the day sitting on Bergami's knee, and embracing him; after this nobody could doubt for what purpose the tent was fitted up on the deck. At this time her majesty seemed to cast off all the restraints of female delicacy. It would be proved that at one

period during the voyage she had a bath prepared for her on board the vessel, and into this bath she went, no person being present, or in attendance on her, except Bergami. After that fact, could any man have a doubt on his mind of the criminal nature of the intercourse existing between them? Though it might be supposed that there might be so much virtue infixed in the mind of an individual, that two persons of different sexes could sleep in the same apartment without any criminality having occurred; yet, seeing that such a series of constant familiarity and unbecoming intimacy had been indulged in with this man before, what but the absolute banishment, the total oblivion of all remains of virtue and modesty could have prevailed on a woman to admit a man and a servant at such a moment? From this fact every man must be satisfied that the last intimacy must have taken place between two persons of different sexes before any female would allow a man to attend on her in such a situation. Nothing but the existence of the adulterous intercourse to which he had alluded could account for such a circumstance.

"On board of this vessel, on the 24th of August, which was St. Bartholomew's-day, great festivities took place. Their lordships were aware that Bergami's name was Bartolomo. At this entertainment the health of her majesty and the health of chevalier Bergami were drank together on that occasion. What inference was to be drawn from this circumstance? None, but that those favours, distinctions, and honours were conferred upon the domestic Bergami in consequence of a criminal, licentious, and disgusting intercourse. While he was on this fact he should beg to state a circumstance omitted in the former part of his statement, which was, that the same transaction had occurred, the same festivities had been indulged in, on the same day, the preceding year, at the Villa d'Este. There also a grand festival was held in honour of the birth-day of the courier Bergami. Now he apprehended the single fact he had described on board the polacre would in itself be sufficient evidence of the fact which it was the object of the evidence to establish. He would not fatigue their lordships'

attention by entering into a minute detail of the various degrees of unbecoming familiarity with her menial, and, as he might express it, the indecent exhibitions to which her majesty had reduced herself on board that ship; he would rather leave their lordships to form their own general impressions from the evidence; but he could not forbear mentioning, that it would be proved before them that she had throughout the voyage occupied herself in the most menial offices for this servant that a woman could do for man; that she had even at times engaged herself in mending his clothes. On arriving in Italy in September, the princess proceeded to the Villa d'Este, on the lake of Como, which she had occupied before, and on reaching that place Bergami's brother was elevated to the situation of prefect of the palace. His mother—who was familiarly termed the *grandmother*, not only by her majesty's suite, but by her majesty herself—was now ordered to be called madame Livia, and the mother and brother had separate tables provided for them from the rest of the servants. After what he had stated to their lordships he should not trespass on their attention by mentioning various other circumstances that occurred at that place, to support the charge. He might, however, mention, that, during her majesty's absence from d'Este, a theatre had been fitted up at that villa. On her return thither she often performed on the stage—she in one character, and Bergami in another. The characters she performed were of a very low kind. Bergami generally performed the character of the lover, and her majesty that of the person beloved. He only stated this as another proof of the great degree of familiarity which subsisted between them. Soon after her return to d'Este she made a tour to Lugano, and some other places.

"In the course of this tour, a remarkable circumstance occurred:—One morning a courier was despatched with a letter to a person at Milan, and returned with an answer late that night, or rather early next morning, while all the princess's household were at rest. The courier, feeling it to be his duty to deliver the letter immediately to Bergami, whose

office it was to receive it, went to that person's chamber. He was not there; but in a short time he saw him coming in his shirt, and *robe de chambre*, out of the princess's chamber to his own. Here he would ask how it had happened that at that hour, when all the other members of the family were at rest, this man should be seen coming in that undress from his mistress's room? Observing that the circumstance was noticed by the courier, and being desirous of making some excuse, he told him that he had heard his child cry, and had gone to quiet her, and the next morning he desired the courier to say nothing about it. But the fact forcibly struck the man, and the inference from it was plain. Bergami having come out of the princess's room at that unseasonable hour, their chambers also being separated from those of the rest of the family, how was the oscurrence to be accounted for, except by the supposition that a criminal intercourse existed between them? This fact alone would be sufficient to convict a woman in an ordinary case. No reason could be assigned for Bergami's conduct on the occasion, but that which he had been so often obliged to state to their lordships. After a short time, the princess visited a place which had since been purchased at her expense for Bergami, and to this he particularly wished to direct their lordships' attention. It was called the Villa Bergami, or Barona. Not content with having previously lavished on him titles and honours, she finally thought proper to expend several thousand pounds from her own funds in the purchase of this estate for him near Milan. People do not in general act without reason or motive, and there was no assignable motive or reason for the princess's conduct but one only. Her royal highness resided for some time at that place, and, during a carnival which was held there, he was instructed to say, that the most scandalous and disgraceful scenes occurred, and it would appear that the house in which the Princess of Wales resided deserved rather the name of a common brothel than of a palace. It was frequented by persons not corresponding to her station and rank, who properly maintained their dignity, and would feel themselves honoured by her patronage; but

by persons of the lowest class. These were circumstances which he should not have brought under their lordships' notice, if they had not occurred, as he must presume, by the queen's permission. Undoubtedly, it might be said, that if they took place in the kitchen, the offices, or in the lower parts of her majesty's house, they ought not to be taken notice of in the slightest degree, as in that case it could by no means be presumed that she was necessarily aware of them. But unfortunately, their lordships would observe that they did pass under her majesty's notice; and, so far from expressing any degree of dislike or disapprobation, she did know of them, and seemed to approve of them. Here, again, it might be said, that although they proved a very unbecoming sort of improper and indecent conduct, they ought not to be taken to prove the existence of an adulterons intercourse. But when they were taken in conjunction with the other facts which he had mentioned, they certainly went to show, that such an adulterous intercourse did exist between her majesty and Bergami, and that the continuance of that intercourse so operated upon her majesty's mind, as to render her entirely regardless of that decorum which she ought to have maintained. Their lordships must see, that though these facts, in themselves, were entirely different from the direct charge against her majesty, they afforded but too strong a corroboration of it.

"After the queen's return to the Barona, about the 18th February 1817, her majesty made a journey through the Tyrol into Germany. A remarkable circumstance took place almost at the commencement of that journey, which would prove to their lordships beyond doubt that such an intercourse did exist. On her arrival at a place called Charante, it was necessary that Bergami should return to Inspruck, in order to obtain a passport for the continuance of this journey. It appeared that Bergami was necessarily absent, upon his departure from Charante to Inspruck, and till his return, during those hours at which her majesty and her household were accustomed to retire to rest. Upon this occasion her majesty had one of her *filles-de-chambre* to sleep in her room during the night. Bergami returned from Inspruck in the middle of that night;

and what was the conduct then pursued by her majesty? What, he should ask their lordships, would have been the conduct of a person under ordinary circumstances who had gone upon such a mission? Their lordships would naturally suppose, that returning at the dead hour of night he retired to rest; but no—he came into that room (her majesty's female attendant being at that time there asleep.) Upon his so coming in, her majesty ordered her female attendant to retire, taking her bed along with her. In the middle of the night her majesty gave these instructions to her female servant, and Bergami was left alone with her. Now what was the reason for all this? He asked their lordships whether that fact alone, in ordinary cases, would not be held a conclusive proof of adultery? and he would ask them also, with great submission, whether, if it should be so considered in an ordinary case, it did not amount to a still stronger proof here—whether it did not amount to a still stronger evidence of an adulterous intercourse, as applied to the case of two persons whose rank in life was so different? What other inference could their lordships draw from the circumstance of her majesty's ordering the attendant to retire, but that she might be so left alone with Bergami for the remainder of the night? Independent of any other facts, supposing there were nothing else in this case before them, this alone must satisfy their lordships that an adulterous intercourse did then take place between the parties. But this was not all: in the course of this journey her majesty proceeded to Munich, and afterwards to Carlsruhe, where she remained nine days. At Carlsruhe a similar arrangement took place about the bedrooms to that which he had so often had occasion to call their lordships' attention to. The bedroom distinguished by the number 10 was appropriated to the use of her majesty; No. 11 was an entry or passage-room between No. 10 and No. 12. No. 12 was appropriated to the Count Bergami. A door opened from No. 10, and another from No. 12, into No. 11, so that any one might pass without difficulty from the chamber occupied by her majesty into the room in which Bergami slept, or from Bergami's apartment into her majesty's. He had now to notice one very im-

portant circumstance. At Carlsruhe her majesty was one day found in Bergami's room: she was sitting upon his bed, and he was in bed with his arms around the neck of her majesty. She was surprised in this extraordinary situation by one of the *femmes-de-chambre,* who was going into the room by chance. Now, would a circumstance of this sort take place, he would ask, unless that kind of intercourse existed between the parties to which he was so often reluctantly obliged to call their lordships' attention? In that bed was found a cloak which her majesty was afterwards seen wearing; and in that bed, also, certain marks were observed by one of the servants. These marks, without his saying any thing further at present, would lead their lordships, perhaps, to infer that which he wished them to understand. Those marks on that bed—the cloak which was found there, and the manner in which Bergami was seen with his arms around her majesty's neck,—these were circumstances of which their lordships could not lose sight. After hearing these, could there be any doubt of an adulterous intercourse between her majesty and Bergami? These facts alone he thought would be conclusive evidence, and he had also to remark, would go to show that that intercourse had taken place, not now and then merely, but in continuity. When these should be stated, they would sufficiently explain all the other circumstances which he had had occasion to mention; the advancement of Bergami to the honours which were conferred upon him; the circumstances that occurred at Carlsruhe; those which took place at Charnitz, and the others which were observed on board the polacre, would all demonstrate conclusively, if they should be proved, (as he believed they would be proved in evidence,) not only that the conduct stated in the preamble of the bill had subsisted, but that the adulterous intercourse had taken place between these two persons.

"From Carlsruhe her majesty set out for the Tyrol, in February, 1817. She visited Vienna, where she remained only for a very short time; and then she went to Trieste. Upon the journey to Trieste, a two-wheeled carriage was purchased by Bergami, in which the queen and himself travelled together.

Before this her majesty had been accustomed to travel in a carriage, in which were herself, Bergami, and the Countess of Oldi, and the little piccaroon, her majesty's *protegée*. On her journey, however, a carriage was used, calculated to contain only two persons, and in which Bergami and her majesty usually travelled together alone. At Trieste she remained but a few days, but here again observations were made by persons at Trieste on the state of her majesty's bed-room. Here again, as in all the other cases he had adverted to, an arrangement was made about the situation of the bed-rooms, in order for Bergami to be very near her majesty. In her bed-room was her small travelling bed, beside a large bed, capable of accommodating two persons, and here the same unequivocal proofs were observed that two persons had occupied the large bed, while the small one was unoccupied, and no person but Bergami had access to the chamber; in the course of their journey, whenever they stopped on the road to change horses, it was observed that even during that short interval, her majesty and Bergami always retired to the same room, and reposed on the same bed. Now he was aware, it might be said, that no conclusion of a criminal nature could be drawn from the circumstance of Bergami and her majesty's being observed to repose upon the same bed. From that circumstance alone, unaided by others, their lordships could not deem it proved that an adulterous intercourse took place between the parties at Milan. But when their lordships observed all these additional circumstances, and particularly the facility, which was extended to no other person, of entering her room, and their familiarity—all these things naturally led to a strong suspicion of such an intercourse between them. Their lordships must be satisfied that the inference to be drawn from these, and from other circumstances arising out of her majesty's conduct, was that such a one existed between them. It might be supposed, that the Princess of Wales, as she was at that time, wishing, on such occasions, to repose, used to be attended by some other of her household; by the Countess of Oldi, for instance, or some other female attendant. But

how was it that Bergami alone, on the contrary, could venture to use these familiarities with her majesty? How was it that Bergami alone retired with her, but because there did take place this sort of intercourse between them? Upon her majesty's return from Milan, where she had been for some time, to the Barona, it would be proved to their lordships that Bergami, his mother, and his brother (Ludovico Bergami), who had formerly exercised some of the most menial offices in the palace, were permitted to dine with her majesty; they were allowed to sit and to eat at her majesty's table. Even to this fact, he was aware, it might be said that it was only indicative of great condescension on the part of her majesty; and that, though such conduct was inconsistent with propriety, and with her rank and dignity as queen, it proved nothing of itself, beyond a desire to show her estimation of the family, and to pay attention to Bergami's mother, and his brother Lewis. But it was not a little singular that these persons were the family of the man on whom her majesty had been bestowing these attentions, and who were daily growing round her. As for the mother of Bergami, he (the Attorney-General) could not find that she had filled any particular situation in her majesty's household. She was not made lady of honour. The little piccaroon was dignified by the title of 'princess,' and taken great notice of. He did not mention these circumstances as going to prove any thing which was particularly applicable to Bergami. The boy Austin was called a prince, as well as the other *protegée*. After her majesty returned to the Barona, she visited the Villa d'Este. Thence she returned to Rome, to a palace called Rucanelli. Soon afterwards she purchased a villa, called the Villa Branti. During her residence at Rucanelli, her majesty was seen to go into Bergami's bed-room: but at Villa Branti their lordships would find more important circumstances to have occurred, as affecting this case. At the Villa Branti, as at all the other places where her majesty resided, it was arranged that Bergami's apartment should be very near that of her majesty; and there was a communication through a corri-

dor from Bergami's bed-room into her majesty's. Bergami was observed, by one of the servants, two or three times, and at a very early hour of the morning, going from his own bed-room into that of the Princess of Wales, and there remaining with her majesty. This happened sometime in the month of July, 1817. Their lordships would have it proved to them, that upon two or three occasions it was observed, that, either at night, or at an unseasonably early hour of the morning, when the rest of the family were retired to rest, Bergami was seen coming from his sleeping apartment, and going into that of her majesty, and there remaining. He would ask their lordships what this fact proved? Could they doubt, that a man going in that way, at an early hour of the morning, when her majesty was in bed, going to her room, and remaining there with her majesty; could they doubt that he was guilty? Would their lordships require any further evidence of adulterous intercourse between these parties? Could it be at all doubted in an ordinary case? Could it be doubted whether such an intercourse took place, if a man under these circumstances, at the dead hour of night, or at an early hour of the morning, was seen to go, undressed, into the room wherein her majesty was reposing, was there suffered to be alone with her, to remain with her, and was not seen to come out, even from that room? Could any doubt remain upon their lordships' minds, that, during that period, adulterous intercourse took place between these parties? Surely not, as he imagined—more especially when their lordships found, as they would find, that this was not a solitary instance of this impropriety; for the thing occurred two or three times at the Villa Branti. At the Villa Branti, as on other occasions, Bergami was admitted into her majesty's presence when she was dressing, and at her toilette; when her majesty, in short, was in that state of *dishabille* which made such admission very highly improper. He was admitted at all times, and suffered to be present when her attendants were attiring her. In addition to this, their lordships would find, as he had said before, the fact of Bergami's entering her majesty's room at

night, in the manner already described, observed several times during her residence there. From Branti her majesty removed, in the month of August, to her villa near Pesaro, where she afterwards almost entirely resided. At Pesaro the princess chose rooms for herself and Bergami, separate and apart from the rest of her suite; and at Pesaro the same facilities of intercourse were continued which had been attended to at almost every place which her majesty had visited, and every where she had taken up her residence. So attached did her majesty always appear to the person and society of Bergami, that his absence seemed to occasion her considerable pain. The greatest interest and anxiety for his return were constantly expressed by her majesty, and she appeared to be highly gratified when that occurred. She was accustomed to watch for his return; and upon one occasion actually set out to meet him. Upon his at length returning, she was observed to express the greatest joy, and all that fondness and attachment which might be supposed to exist for each other in two persons between whom such an intercourse existed."

The Lord Chancellor thought it might be convenient for Mr. Attorney-General to give the dates of these facts as he went on.

The Attorney-General briefly recapitulated the dates of those to which he had adverted in the course of his speech. "Her majesty arrived at Trieste on the 11th of April, 1817; about the 28th June, at the Villa Branti, within a few days of her arrival at Milan. She was at the Barona in April, 1817. In February of that year, she set out upon her tour into Germany, through the Tyrol, whence she returned to the Barona in April; from hence she went to Rome, where she purchased Rucanelli and Villa Branti, in June and July; and then she went to Pesaro on the 9th of August, 1817. From the period of her majesty's departure for this country, excepting only the short time she was in France, she continued to reside at Pesaro. He had abstained as much as possible, in the course of his narrative, from entering upon parts of the evidence applying to other places. After her majesty took up her residence

at Pesaro, she generally remained there, with only one or two exceptions. He had, he said, abstained, in this case, from going through a variety of particular detail of what would be disclosed in evidence respecting her majesty's residence at Villa d'Este, where she resided for a considerable time, on the banks of the Lago di Como.

"It would be proved in evidence that she was there in the habit of going out with Bergami in a sort of carriage, large enough for only one person to sit down in, and another to sit upon his lap. In this carriage she was in the habit of going out with Bergami, she sitting upon his lap, and he with his arms round her, which it was absolutely necessary he should have, in order to enable him to guide the horse. It would be proved that they were seen together in a canoe upon the lake; and, on one occasion, they were seen bathing together in the river Brescia. During her residence at Como they were observed together in very indecent situations; and a variety of familiarities of that sort would be proved, during her residence at Como, by a variety of witnesses, and upon various occasions, which their lordships would think at present it became him to abstain from more particularly noticing. He only adverted to them to prove the facilities of intercourse which existed. On her return from the east, she brought in her train a man, who, from the accounts given of him by the witnesses, appeared to have been a man of brutal and depraved manners to the last degree: his name was Mahomet, who, at the Villa d'Este, at various times, exhibited the most atrocious indecencies in the presence of her majesty, Bergami being present with her majesty during the time of those exhibitions. They were of so indecent and detestable a character, that it was with the greatest pain he could even mention them. Here it might be said that these circumstances did not prove adultery; but if it were proved, the preamble of the bill, he should contend, was made out. It would excite in their lordships a feeling that it proved more,—not merely indecency, and disgusting indecency, but a want of all moral feeling. He said, that the woman who could demean and degrade herself to

be present at such an exhibition,—he said, and no man could doubt, that such a woman was capable, not only of sacrificing her virtue, but that in the most undisguised and disgusting manner. These facts went to prove, not only that part of the preamble which charged disgusting and improper familiarity, but suggested proof also of the adulterous intercourse. Could their lordships have any doubt, where a woman was capable of acting thus, that when Bergami and she were in her room alone, and had all the necessary facilities, that took place which was charged against her, *viz.*, adulterous intercourse with Bergami? There was another circumstance,—no ways, however, remarkable in her majesty's case, because it was always the accompaniment or the forerunner of such a vicious state. Let them mark the ascendency which this man had obtained over the mind of her majesty. This circumstance, however, occurred. Their lordships would find that, upon her majesty's first going to Italy, she did that constantly which comported with her dignity as an English princess,—and, let him add, as a protestant princess. She either had divine service regularly performed at home, or attended places where it was performed after the rites of the church of England. This regulation continued until a short time after she returned to Genoa, where Bergami first entered into her service; but from that time down to her departure for England it was discontinued, and she was seen to accompany Bergami to a place of Catholic worship which he himself frequented, to join in the prayers of the service, and to kneel down by his side. Such was her abandonment of those religious feelings and rites which ought to be observed by all persons, under all circumstances. She demeaned herself to accompany this man, which was an act degrading and disgusting in itself; but he could not help thinking it a strong corroboration and confirmation of all the other facts which he had detailed; and it must satisfy their lordships that this disgraceful and illicit intercourse did take place between Bergami and her majesty, as it had been stated to them. Let their lordships look at the general nature of the case, and, besides this, let them look at some of those strong

facts which more especially confirmed the charge. This Bergami was a man in the greatest poverty; in October, 1814, he was received into her majesty's service, and in the short course of five or six months he was not only in habits of the greatest familiarity with her, but his whole family surrounded her.

"Their lordships would allow him to call their attention to the state of her majesty's establishment while settled at Pesaro. There was Bergami himself, her grand chamberlain; his mother, who did not appear to have held any particular situation in her household; his brother Lewis, who, from the humble station of a courier, had been promoted to be her equerry, the countess of Oldi (the sister) who was only maid of honour; Francis Bergami, their cousin, who was dignified with the title of director of the palace; Faustina, the sister; Martin, a page; Frances, a relation; and the house-steward, besides the Piccaroon. So that their lordships would see that there were ten, as he might say, of this family, retained in her service. And, to account for the striking fact of their being advanced in this way in favours and honours, what was to be said? How was it to be accounted for? It might well be said, indeed, in answer to that question, 'Don't from these facts alone infer guilt; don't from these alone infer adulterous intercourse?' Why, no, he would not; if he did infer it from these alone, he should be betraying that duty which they had imposed upon him, and which he was pledged to perform. But when, in addition to these circumstances, their lordships found that all these disgraceful familiarities continued between them—that at place after place the same arrangement was observed for a free intercourse between their rooms and between them—(and he alluded more particularly to the scene in the tent on board of the polacre)—when they looked at what occurred at Charnitz, at Carlsruhe, and other places—surely these facts, of themselves, would be sufficient; but, when coupled with others, if they should be satisfactorily proved, they could not leave the slightest doubt of the disgraceful conduct charged in the preamble, and of the shameful and wicked intercourse which took place between Count Bergami and her majesty.

But their lordships had heard it said at their bar—and said with a sort of triumph by his learned friends—'What witnesses have you? How is all this to be proved? Will you attempt to prove it? Have you any competent witnesses?' And their lordships had heard a great deal of undeserved slander heaped on foreign witnesses. They had heard his learned friends say, on the other hand, when speaking of their client, 'Oh! we expect persons of high rank, and character, and consequence, in the country where the circumstances are stated to have taken place.' Now let their lordships look at the case. It did not admit of such witnesses: it was when her majesty was in retirement, and surrounded only by her servants, that those facts took place. Could there be any witnesses of facts like these, but those whose avocations and humble employments gave them opportunities of seeing the conduct of the parties from time to time, and of examining the beds and bed-rooms? In cases of criminal conversation, they never had—at least it was very frequently quite impossible and impracticable to have—any other evidence but that of servants, or others whose duties called them to different parts of the house. But it was said, and with something like an air of exultation, 'Aye, but these are foreign witnesses.' Foreign witnesses! Let them look at her majesty's conduct: why was it that her majesty was abandoned by all her other suite, by all her English servants? why; but that, after her arrival from Milan, she seemed anxious to forget that she was, or should be, an Englishwoman. Could she complain of those foreign witnesses, when she had shewn, by her conduct, what she thought of Italian servants—what she thought of this man, her favoured Bergami? Should it be said, 'Don't hear foreign witnesses, there is the strongest objection to them; they are not to be believed.' But he would ask them what did this hold out to the public? Was it not to say, 'Go abroad, commit what crime you please, carry on what conduct you please; however flagitious, you never can be convicted in an English court of justice.' And why? 'Because the fact can only be proved by foreign witnesses, and they, we tell you before we hear them, are branded with infamy; they

are marked for discredit; therefore, go abroad, abandon your self to the most dissolute profligacy you please; it can never be proved in a court of this country, for foreign witnesses are unworthy of belief.' Would their lordships listen to such an argument as this? Let them pride themselves on the superiority of the English character, but let them not, by a sweeping condemnation, declare that all foreigners were unworthy of credit. It was her majesty who had herself to thank, if the facts could only be proved by Italian witnesses. She had taken into her household Italian servants, and surely would not treat with such disgrace the persons highest in her confidence. If their lordships' condemnation, however, extended to Italians, it could hardly be applied to foreigners of all countries and descriptions. He was satisfied, notwithstanding the adroit manner in which the case had been put by his learned friends, who presumed that these witnesses would exercise their faculty of locomotion, and take the air at their ease, the observation would make no impression on their lordships' minds. Would to God those witnesses could do so; but he would recall to their lordships' remembrance circumstances which had happened, and ask whether the witnesses could feel that security which they ought to enjoy. It was disgraceful to the country that such circumstances had taken place; but he trusted that the public mind would soon resume its former calmness, and the popular clamour subside. Upon the circumstances of the case, it was hardly necessary for him to add, their lordships were to decide under a sacred obligation. It had been said that the witnesses, being foreigners, were the less worthy of belief, and that their testimony ought to be received with suspicion and distrust; but the conduct of her majesty, and the nature of the case, made such evidence indispensable. Their lordships would decide upon its value, and, he doubted not, calmly and firmly pronounce their judgment. He should now proceed to call his witnesses."

A considerable pause now ensued.

Lord Erskine observed, that it might be expedient to come immediately to an understanding, with regard to the

situation of the witnesses, after they should have delivered their testimony. It might be material to the ends of justice that they should be placed in a station of security, and be forthcoming, if, on a subsequent occasion, their presence should be found necessary.

The Lord Chancellor said, that in accordance with the usual course of their proceedings, the witnesses might be questioned before their departure from the house as to where they were about to go. He agreed that they ought to be kept within call, and remain in attendance till the end of the cause; and therefore now moved, that the witnesses do attend from day to day till further orders.

This motion was immediately carried without opposition.

Lord King expressed a wish that the house should distinctly understand in what situation the witnesses would be placed, and that it should be known whether, on their coming to that bar, they would be liable upon the evidence which they gave to an indictment for perjury. Their lordships were now proceeding in a legislative capacity, but the king's attorney-general was employed to conduct the case brought under their consideration. This, it appeared, was done upon an order of the house itself. Undoubtedly their lordships might commit a witness for falsehood or prevarication, for the term of their own sitting; but as it was not improbable that they might have to revise parts of this proceeding, it was desirable to learn whether the witnesses would be in the same predicament as in a court of record.

The Lord Chancellor said, that if the noble lord's question were put to his experience, he could make no answer; but on general principles he would state his opinion, that the witnesses might be prosecuted at law for perjury.

Lord King observed, that his doubt arose from the circumstance of their now sitting, not in their judicial, but in a legislative, capacity.

The Earl of Liverpool remarked, that in his apprehension what might be done in the case of an impeachment might also be done upon this occasion.

Lord KING was of opinion that this was a question of law, not of parliamentary privilege; but it might yet be doubted whether a prosecution could be commenced without the special order of the house.

The Earl of LIVERPOOL thought the question would be whether the house would interfere to stop a prosecution?

Earl GREY said, then, my lords, we are to consider this power as settled, that these witnesses are liable to be prosecuted for perjury.

Her majesty at this moment entered the house, attended as usual by Lady Ann Hamilton, and took her seat in a chair placed within the bar, about the distance of three yards from it, and which, though not directly opposite to, enabled her to confront, the witnesses.

THE EVIDENCE*.

THE SOLICITOR-GENERAL then called Theodore Majocchi; who, in a very few minutes, was ushered in, and placed before the bar. He is a man of middle stature, decent appearance, and handsomely attired.

The queen having fixed her eyes on him, exclaimed, in a piercing tone, † Theodore, Theodore! or Theodore! oh,

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* We have procured a copy of the evidence, as extracted from the Journals of the House of Peers. But we find, on collating it with our own notes of the trial, that it is less copious, and, in many places, deficient. The omissions we are fortunately enabled to supply, and, in order that our readers may distinguish the authorized minutes from the interpolations, the former is printed in a smaller type.

† The sensation which the queen's emotion occasioned, especially below the bar, prevented us at the time from catching the precise words which her majesty used at the time, and we have not since been able to ascertain the fact. The reporters for all the daily newspapers have given *Theodore!* Oh no, no! or Theodore! *Theodore!* It struck the writer of this, that the exclamation was *Tradidore! Tradidore! (Traitor! Traitor!)* The words, whichever they were, are of no consequence in

THEODORE MAJOCCHI.

London. Published by Thos. Kelly *17 Paternoster Row. Oct.r 14 1820*

no, no; or, as others, perhaps, with more probability, understood her, Tradidore, Tradidore! (traitor.)

Her majesty was immediately conducted to the ante-chamber assigned for her retiring room during the trial.

The SOLICITOR-GENERAL applied to their lordships to allow the Marchese Nicolas Spinetto to be sworn as an interpreter, the witness being an Italian, and utterly ignorant of the English language. The interpreter was then sworn.

Mr. BROUGHAM asked, whether he appeared by any order

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themselves, but of serious import from the use, or rather the abuse, that has been made of them, and the conclusions that have been drawn from them by the censorious and malicious, who have not scrupled to ascribe her majesty's emotion to the compunctious feelings of a guilty conscience, and exultingly to exclaim, Why! if her majesty is so appalled and panic-struck by the appearance of the first witness against her, how will she be able to confront the host in reserve? It certainly required a greater portion of courage and composure than usually falls to the lot of mortals, to withstand the formidable array daily opposed to her majesty, and to sustain the accumulative load of calumny and detraction imposed upon her. Conscious innocence, and the hope of eventually triumphing over her enemies, could alone, it should seem, inspire her with fortitude and confidence in the unequal conflict. With respect to the expression which has been perverted to serve the sinister purposes of malignity, it is only necessary to observe, that in all cases where words or expressions will bear two constructions, candour and justice require that that construction shall be put upon them which is most favourable to the party using such equivocal words or expressions. Now, agreeably to this rule, is it not more consistent, from the evidence elicited from the witness in the course of his cross-examination, that his treachery and ingratitude to a kind and indulgent mistress, as well as another trait in his character which we choose at present rather to allude to than mention, were sufficient to excite sensations of horror and indignation in her majesty, and to provoke the exclamation Tradidore! Tradidore!—The great painter of the human passions has made Marc Anthony, in his celebrated funeral oration, describe Cæsar as giving vent to his horror and indignation in a similar way, when astounded by the sight of Brutus, (whom he had loaded with favours,) among the conspirators,

——When the noble CÆSAR saw *him* stab,
INGRATITUDE, more strong than traitors' arms,
Quite *vanquish'd* him,—Then *burst* his MIGHTY HEART.

of the house, or at the instance of the party promoting the present bill? He wished to ascertain this point, because, upon the answer which he received would depend his right to introduce an interpreter on the part of her majesty.

The LORD-CHANCELLOR thought there could be no objection to inquiring of the interpreter himself by whom he had been engaged to offer himself to the house in that capacity.

Mr. BROUGHAM then addressed the Marchese Spinetto, and asked, in whose employment he appeared there as an interpreter?—I received my instructions from Mr. Planta and Mr. Maule.

Mr. BROUGHAM.—Do you mean Mr. Planta, of the Foreign-office, and Mr. Maule, solicitor to the Treasury?—I do.

Mr. BROUGHAM.—That, then, is quite a sufficient reason for my desiring to have a second interpreter sworn. Though it may not, strictly speaking, be necessary at this moment, it may be more convenient to swear him immediately. Binetto Cohen was then sworn on the Old Testament, as Interpreter on behalf of the Queen.

Then her majesty's attorney-general stated, that the witness now called appearing by his name to come from Italy, and whom he therefore assumed to be a catholic, was now about to be sworn at their lordships' bar; now was therefore the time for him to urge any objection to the taking the oath. He desired, therefore, that he might be asked whether he has undergone those preparations in this country, which he should prove by evidence to be necessary to be undergone in his own country, before he could be sworn at all in any judicial proceedings; and without arguing the point, would leave it to their lordships' decision.

The counsel were informed, that there was no doubt, if the witness was sworn in the form that he thought necessary, to speak the truth before the house, and according to such forms as were observed in courts of justice, his evidence was receivable.

The witness was then sworn, the oath being interpreted by Nicholas Dorier Marchese di Spineto.

Interpreter.—He swears he is here to tell the truth, and nothing else but the truth.

Examination in chief by the Solicitor-General.

The witness was then examined as follows:

Of what country are you a native? Of Pisterlango.

Is that in Italy? Yes; twelves miles distant from Lodi.

Do you know a person of the name of Pergami? Yes.

When did you first know him? In the service of Marshal Pino.

At what time did you first know him? It was in the years 1813 and 1814 when I entered into the service of General Pino. I knew him because he was in the same service, in the same suite.

Her Majesty's Attorney-general.—Do you understand English? Nothing.

Do you understand it when you hear it spoken? I do not understand it.

Mr. Solicitor-general.—In what situation was Pergami serving under General Pino? As valet de chambre.

In what situation were you serving at that time under General Pino? Rider, or postilion, or courier.

Do you know in what situation Pergami at that time was in point of his finances? I know him too well, because I was lodging in the house of Pergami, where I had hired a room.

The question which is asked is, what situation he was in, in point of funds or finances, at the time when he was in the service of General Pino? He was more poor than rich.

Do you know what wages he at that time received? At that time he was receiving three livres of Milan per day.

Do you know whether he possessed any property except the wages which he so received? No.

What do you mean by no; that you do not know the fact, or that he did not possess any other property? I know nothing else, but that Pergami had but the three livres per day.

Did you leave the service of General Pino before Pergami left that service? I did.

Into whose service did you enter after you left the service of General Pino? I went to Vienna, and entered into the service of his Excellency the Duke of Rocca Romani

Did you afterwards enter into any service in the city of Naples? I entered into the stable service of Murat.

Was Murat at that time king of Naples? He was.

While you were so serving in Naples under Murat, did you see Bartolomo Pergami? I did see him.

When was it that you saw him there for the first time?

Mr. Brougham said he had objections to urge to this course of examination. He apprehended also that it was competent to him to state his objection to a question before the answer was received.

The Earl of Liverpool observed, that the house would be better enabled to judge of the force of any objection to a question after hearing the answer to it.

The Lord-Chancellor found himself compelled to admit that the objection should be heard in the first instance, as the answer might otherwise make an impression, which, if the question were over-ruled, it might be difficult to remove.

The Solicitor-general resumed his examination.

When was it you first saw Pergami at Naples, while you were serving at Naples? At the house of a courier, who was called Bastinelli.

At what time did you see him; what year? In 1814.

About what time in that year? Before Christmas.

Where was it you then saw him the first time? In a room.

Where? In Naples.

In whose house? In the house of her Royal Highness the Princess of Wales.

In what situation was Pergami at that time? Courier, and, it was said, also equerry.

Recollect, as nearly as you can, the precise time when you entered into the service? In the beginning of the year 1815, after Christmas holidays.

Answer, with as much accuracy as you are able, how long it was after the time you had seen Pergami at Naples? I recollect so much, that before Christmas holidays Pergami told me that he would have made me a present.

You have told us, that at the commencement of the year you entered into the service of the Princess; you have also told us you saw Pergami at Naples before that time; how long was it before you entered into the service of the princess that you first saw Pergami at Naples? A fortnight after, fifteen or twenty days after.

In what situation in the princess's service did you enter? Servant, livery servant, or lacquey.

By a Lord.—Did you wear a livery? I did.

Mr. Solicitor-general.—When you entered the service, did Pergami dine with the rest of the servants? There were two tables.

At which of those tables did he dine? At the table of the upper servants, with Monsieur Sicard; Maître d'Hotel; Hieronimus; a waiting maid of the dame d'honneur, but I do not remember the name, being an English name; the valet of Dr. Holland. I remember nobody else.

Did any other person divide the duty of Pergami abont the person of the princess? Monsieur Hieronimus sometimes.

Did they take that duty by turns? By turns, amongst the upper servants of her royal highness.

Did any of those persons who took it by turns to attend upon her royal highness attend out of his turn?

In the morning, when they carried the tray for the déjeûné, many times Hieronimus performed this service.

Can you describe the relative situations of the sleeping room of Pergami and that of the princess? I remember them.

Describe them? From the room of the princess to that of Pergami there was a small corridor and a cabinet, and immediately on the left there was the bed-room of Bartolomo Pergami.

Then it is to be understood there was between the bed-room of the princess and the bed-room of Pergami nothing but that corridor, and that small cabinet? There was nothing else; one was obliged to pass through the corridor, from the corridor to the cabinet, and from the cabinet into the room of Pergami; there was nothing else.

On the other side of the room of the princess, what room was there? The great saloon.

Did any person sleep in that cabinet in general? There was no person who slept in that cabinet; it was free; there was nobody sleeping in it.

Did the other people of the suite sleep in that part of the house, or at a distance? They were separated.

Do you remember Pergami meeting with an accident? I do remember it.

What was that accident, and when? A kick from a horse, when her royal highness went to the Lake of Agnano, together with King Murat.

In consequence of that accident, did it become necessary to take him home? It did.

Did you accompany him? I did not.

Did you attend him? I did wait upon him.

In consequence of this accident, was Pergami put to bed? He was obliged to be put to bed.

While you were attending him as you have described, did you see the princess? The first time that I saw her royal highness was in the presence of Dr. Holland, who was dressing his foot.

Did you give him any broth at any time? At the first I brought him vinegar.

Did you bring him any broth? Often.

Do you remember at any time when you were giving broth to Pergami, any body coming into the room? I do not remember.

In consequence of this accident which Pergami met with, was any direction given to you as to where you yourself were to sleep? I do remember an order.

Where were you directed to sleep? On the sofa in the cabinet, near the fire-place.

Is that the cabinet of which you have been speaking? It is.

How many nights did you sleep there? Five or six nights.

Did you, during the night-time, see any person pass through your room? I do remember seeing somebody passing.

Did you say there was a fire in the room? Always a fire.

Who was the person that passed through your room? Her royal highness.

Did she pass through from the corridor to Pergami's room in that direction? She did.

How many times did this happen during the five or six nights which you state yourself to have slept in this cabinet? Twice.

As nearly as you can recollect, at what time of the night on the first occasion? About half an hour past midnight, between twelve and half past twelve.

How long did she remain there as nearly as you can recollect? Ten or fifteen minutes.

Describe the manner in which she passed through the cabinet, in what way she walked? Very softly; and when near to my bed stooped to see, and then passed on.

After the princess had entered the bed-room of Pergami, did you hear any conversation, or any thing else, pass between them? Only some whispers.

You have told us how long the princess remained the first night, can you state how long she remained the second time? Between fifteen and eighteen minutes, some minutes more or less.

Do you recollect having heard or observed any thing when the princess was in Bergami's room the second time? Whispering conversation.

Was there any garden attached to the house? There was a small garden attached to the cabinet where I was sleeping.

Was that garden open, or was it generally kept locked? For the most part locked.

What do you mean by "for the most part locked?" It was more often closed than open.

Where was the key kept? By Pergami.

Did the princess ever walk in that garden? I have never seen her.

About how long did the princess remain at Naples after you went into the service? About a month, or forty or forty-five days.

Did you go with the princess when she left Naples? I did accompany her royal highness.

Before the princess left Naples, and after you had entered into the service of the princess, did any of her English attendants quit her? There were some English of her suite that left her.

Who were they? I will state them.

Tell us the gentlemen first, and then the ladies? Monsieur Sicard.

What was he? Maitre d'Hotel. Captain Hesse.

What was he? It was said that he was equerry.

Who else? The Chaplain.

What was his name? I do not remember the name

Who else? A chamberlain; a tall man; but I do not remember how he was called.

Do you know whether his name was Gell? Yes, he was called Gell, with two small mustachios.

Was there any body else that you remember; do you remember Mr. Keppel Craven? I do not remember; it was an English name.

Were there any other gentlemen that you remember to have left the suite of the princess at Naples? I do not remember, whatever I remember I will mention their names.

Did any ladies quit the suite at Naples? A small lady, rather a thin, but I do not remember what was her name; lady, lady something, she was there.

Do you remember Lady Elizabeth Forbes? I do not remember.

After you quitted Naples, you say you went to Rome, to what place did you go from Rome? To Civita Vecchia.

At Civita Vecchia did you embark on board any vessel along with the princess? On board the Clorinde, a frigate.

To what place did you go from Civita Vecchia? We passed by Leghorn.

Did you stop at Leghorn? A little time we stopped at Leghorn.

Do you happen to recollect whether any of the attendants left at Leghorn? I do not remember.

Where did you go to from Leghorn? To Genoa.

Did any person join the princess at Genoa? Captain Hownam.

Any body else? Lady Charlotte Campbell; a lady tall, rather fat, and two daughters; a handsome lady.

How long did the princess remain at Genoa? Forty or fifty days.

Where did she reside at Genoa? In a palace out of Genoa, towards the road that leads to Milan.

Do you remember whether the bed-room of the princess was near to the bed-room of Pergami at Genoa? Between the room of Pergami and that of her royal highness, there was a room in which they kept trunks, luggage, &c.

Did any person sleep in that room? There was nobody slept in that room.

In what way could you pass from the room of the princess to the room of Pergami? In coming out from the room of her royal highness, and passing through the room where the luggage was, there was an entrance to the room of Pergami.

Are you rightly understood, that you might pass from the room of the princess to the room of Pergami, directly through that cabinet where the luggage was deposited? Yes, I mean so.

Did you observe where Pergami breakfasted while you were at Genoa? I made observations.

Where did he breakfast? In a small room at the top of the grand saloon.

Did he breakfast alone, or did any person breakfast with him? He and the princess; one morning I saw him and the princess take breakfast together in that small room.

Were you hired to wait upon Pergami or to wait upon the princess? To be at the service of her royal highness.

Did you in fact wait upon her royal highness, or did you wait upon Pergami? I waited both upon her royal highness and Pergami.

When you describe the princess to have breakfasted in this cabinet with Pergami, did any other person breakfast there? I saw nobody else.

Do you remember one night a courier of the name of Vinescati coming with a letter from Milan? I do not remember.

Do you remember at any time in the night knocking at the door of Pergami's bed-room, and endeavouring to wake him? I do remember.

Upon what occasion was that, for what purpose? It was in the night when Vinescati came, and I went to knock.

You say you knocked at night at the bed-room of Pergami, for what purpose was that? To call him up to tell him that there were people in the room.

What time in the night was this, to the best of your recollection? About one, or half past one.

Did Pergami make any answer? Pergami made me no answer.

Did you knock so loud that if Pergami had been there he must, in your judgment, have heard you? He ought to have heard me; he must have heard me.

Did the princess ride out in any way? She did ride sometimes.

Did she ever ride upon an ass? She sometimes rode a donkey.

Dide you, upon those occasions, make any observations as to any thing that passed between the princess and Pergami? Yes.

State what passed at the time she was riding on the ass? He took her round her waist to put her upon the ass.

What else? He held her hand lest her royal highness should fall.

Did you make any other observation? I have made no other observation; they spoke, they discoursed.

Was Pergami like the other servants in the house, or did he appear to possess more authority than the rest? He had the more authority; higher authority.

Was there an apparent distance kept up between the princess and Pergami, or was there an apparent intimacy and friendship between them? Rather a familiarity.

Did Pergami continue to sleep in that room you have described during the whole time of the residence at Genoa? I do not remember.

To what place did you proceed when you left Genoa? To Milan.

Where did you reside at first at Milan? In the house of Carcuna, near the New Gate,

How long did you remain there? About five or six days.

To what place did you go from that house? To the house of Boromeo, where there had been a tribunal of police.

Was it a house belonging to the family of Boromeo? It belonged to the family of Boromeo.

Do you remember, before you quitted Genoa, whether any of the relations of Pergami entered into the service of the princess? I remember.

Who were they? The sister of Bartolomo Pergami, who was called Faustina.

Was Faustina a married woman or single? She came without her husband; I do not know whether she was a spinster or married woman.

Whom else of the family did you observe? Lewis Pergami.

Any body else? The mother.

Any body else? A child.

How was that child called? It was a strange name.

Was her name Victorina? It was.

How old was that child at that time? Between two and three years old.

Did the mother of that child come? No.

Are the persons whom you have now enumerated all of the family of Pergami, who went into the service at Genoa? I remember no others but these.

What situation did Lewis Pergami hold in the family? Courier.

Did the mother fill any office; had she any duty? She had none.

What was Faustina? At that time nothing.

You have told us that after the princess left the house at Milan near the New Gate, she went to the house called the Boromean; how were the sleeping apartments of Pergami and the queen situate in that house? I remember them.

Were they near to each other or at a distance? They were separated only by a wall.

How were the doors of the two rooms? At first people entered into an ante-room. On the right slept Mr. William, and going straight forward one might enter the room of Pergami; the room of Pergami finished the house on this side.

You have told us that the apartment of the princess was separated from the apartment of Pergami only by a wall? Yes.

Was there a staircase or a landing-place near to these two rooms? There was.

Was there any door that went out of Pergami's apartment on to that landing-place or staircase? There was a door that led on to this landing-place.

Was there also a door that went out of the princess's apartment to this same staircase? There was.

How far were these doors from each other? About seven or eight feet.

Mr. Brougham here observed, that he trusted the solicitor-general would take care that no other witnesses remained present while a witness was under examination. This was the practice in all other courts, and he had no doubt, from its propriety, would be adopted by their lordships.

The Solicitor-General could have no possible objection to the removal and separation of witnesses. He was not

aware that any witness for the bill was present, except the one under examination.

The LORD CHANCELLOR said the rule of course embraced all the witnesses, both for and against, always of course excepting those whose duty it was to remain present.

The SOLICITOR-GENERAL said, that his only wish was to have the practice respecting witnesses observed here as in other courts. He wished it to be strictly general. He put it, therefore, not alone in point of strict practice, but in candour to his learned friend (Mr. Brougham,) to take care that his witnesses should be excluded.

Mr. BROUGHAM replied, most undoubtedly; he had no other wish than that the exclusion should be strictly general. All whom he knew he intended to call, he wished should be out of the house; of course he could not mean that the prohibition should extend to any of those whose duty it was to remain. There might be one or two, whose duty it was to remain, that he might yet have hereafter to call.

The SOLICITOR-GENERAL commented on the expression used by his learned friend, "all whom he knew he intended to call." He submitted to his candour whether all should not remain out that there appeared the smallest probability of his calling.

Mr. BROUGHAM assured his learned friend that he did not mean to speak equivocally; he meant to deal fairly and candidly, and his learned friend might safely leave the matter to his candour, as he had appealed to it. Of course it was quite impossible for him to know, at this moment, what witnesses it might be necessary for him to call. He could not tell, until his learned friend's case was closed, whether he should call any witnesses or not. If he only heard such a witness as the present called, he certainly should not call any. (A laugh.) He again assured his learned friend that he meant to exclude his witnesses until the time arrived for their examination.

The examination of the witness was resumed by the solicitor-general.

You described that the two apartments were separated from each other by a wall, and that there was a door in each apartment opening on the same landing-place, these doors being distant about two yards from each other; was that a private staircase, or did the bed-rooms of other persons open upon that same landing-place? This was a secret staircase, which led also into a small apartment, but it was not frequented; people did not frequent it.

Did any one sleep in that small apartment? The brother of Pergami.

Which brother? Louis Pergami.

Did the princess breakfast alone, or whom did she breakfast with during the time they were staying in this Boromean house? Sometimes she breakfasted with Pergami.

Did any other person breakfast with them? I have never seen any.

Did you wait upon them at breakfast? Sometimes I did; sometimes I did not.

When you did not, who did wait? Either Louis Pergami or a man of the name of Camara.

Who was Camara? The courier.

How long did the princess remain at Milan in the whole at that time? Between forty-five and fifty days.

During the time that she remained at Milan, did she take a tour to Venice? She did.

Before she went to Venice, had Lady Charlotte Campbell joined her from Genoa? She had not.

Did Lady Charlotte Campbell go from Genoa to Milan with her daughters? She did.

Did Lady Charlotte Campbell go from Genoa to Milan with the princess? Yes.

In the same carriage at the same time, or did she follow her immediately afterwards? I do not remember.

How long did Lady Charlotte Campbell remain at Milan? Four, five, or six days before her royal highness set out for Venice.

Did Lady Charlotte go away accompanied by her two daughters? She took her two daughters with her, because her daughters were no more seen.

Had the princess then any English lady of honour left in her suite? I had not seen any?

Did any other person come; do you know a person of the name of the Countess of Oldi? Yes, I do know her.

How soon did she enter into the service of the princess after Lady Charlotte Campbell went away? Two or three days after.

Was the Countess Oldi any relation to Pergami? It was reported, it was said, that she was his sister.

Was that known in the house at first, or was it kept secret? It was secret, it was not known.

Did you know that the Countess Oldi was sister to Pergami? I knew it.

Was it generally known at first in the house? After they saw her in the house, they began to say that she was the sister of Pergami.

How soon was that after she came? When they saw her at table, and when the whole of the family began to see her.

Where did you go to at Venice? The Grande Britannia.

How long did you continue at that inn? Three or four days.

What other house did you go to from that? A house next by, belonging to a private individual.

Can you tell us the relative situation of the bed-rooms of the princess and Pergami at that private house? I remember it.

Were they near to each other? One was here, and the other was here, next one another; there was only a great saloon between them; they were divided by the great saloon.

Did the doors of both bed-rooms open into that saloon? They opened into the same saloon.

Did you see the princess either at Milan or at Venice walk out with Pergami? Both at Milan, and also at Venice.

In what manner did she walk with him, side by side, or did she lean upon his arm? Walking arm in arm.

Was this both at Milan and at Venice? Yes, it was at Milan and at Venice I saw that.

Was it in the day-time or in the evening? By night.

At what hour? Half-past nine or ten, between nine and ten.

You have already stated that Pergami dined at the table you have described; did he at any time dine with the princess at her table? I have seen him.

When did you first observe that he dined with her royal highness? At Genoa.

Did he continue to dine with her after the first time he had dined with her at Genoa regularly? Always, as far as I recollect.

Where did she usually sit at the table when he dined with her royal highness? Her royal highness sat at the top of the table, he was sometimes on her right, and sometimes on her left, and sometimes opposite.

You have said that the first time he dined with the princess was at Genoa; was the princess at Genoa more than once? I do not remember that.

You have told us that you went from Genoa to Milan; did you go to

Genoa at any subsequent time for the purpose of embarking on board a vessel?

Mr. Brougham objected to this question. He could not think their lordships would permit his learned friend to make his own witness contradict himself. If the answer were given in one way, it might contradict the preceding answer given by the witness. He must object to this way of pursuing an examination. It was, in fact, to put leading questions.

The Solicitor-General disclaimed any intention of putting what could with propriety be called a leading question.

The Lord Chancellor.—What is the question you mean to put?

The Solicitor-General.—I shall put it in this way, my lord,—whether the witness after he left Genoa ever returned there to embark for Venice?

Lord Erskine said, that though he thought a counsel might put one question to a witness which would have the effect of contradicting a preceding answer given by that witness, yet that such a question ought not, nor need not, be put in a leading shape.

The solicitor-general was directed to put the question.

The question was proposed.

Yes, I returned to Genoa to embark.

When you say that Pergami dined for the first time with the princess at Genoa, do you mean when the princess was at Genoa the first time, or when she returned to Genoa for the purpose of embarking in the manner you have described? The first time.

Where did you go from the Boromean house at Milan? The Lake of Como, the Villa of Villani.

How long did you remain there? About a month and a half.

You have described the room of the princess as being near that of Pergami; were the other rooms occupied by the persons of the household at a distance? They were.

How many rooms were there between the bed-room occupied by the princess and that occupied by Pergami? On one side there were two rooms, and on the other side there was nothing but a small passage.

By that do you mean to say, there were modes of passing from Pergami's bed-room to the princess's? There were.

One of which was through two rooms, and the other through a passage, is that so? Just so.

Did any persons sleep in the rooms you have described? There was nobody slept in those two rooms.

Did the other people of the court sleep in that part of the house, or in a different part of the house? They were separated from that part of the house.

Did you make the bed of Pergami at that time, or assist in making it? Yes, I did.

Did you observe whether that bed was slept in every night, or not? No.

Could you tell from your observation upon the bed, whether or not Pergami had always slept in it, or whether he had slept elsewhere? The bed had the appearance that he had not slept in it.

Did that happen at Villa Villani? It happened also somewhere else.

Did it happen often at Villa Villani? Yes.

Do you remember the princess at the Villa Villani wearing a blue silk bed-gown, lined with red? I remember it.

Do you remember the princess giving that blue silk gown to Pergami? Yes.

After you had seen the Princess wear that blue silk gown, did you see Pergami wear it? Yes, I remember it.

Often? He had always this dress upon him.

In the presence of the princess? Yes.

When you make use of the word always, do you mean always in the morning, or through the whole of the day? Every morning when he made his toilette.

At what time did the princess usually rise in the morning? Half-past ten, eleven, half-past eleven.

When she rose, did she usually ring for her servant or call for her? Sometimes she called; sometimes she did not ring the bell; but for the most part she called.

Did Pergami rise at the same time, or before, or after the princess? Sometimes he got up at the same time that her royal highness did; sometimes he got up a quarter of an hour later than her royal highness.

Whence did the princess go to from the Villa Villani? The Villa d'Este.

How long had she staid at the Villa Villani before she went to the Villa d'Este? Forty-five or fifty days.

Do you happen to recollect the relative situations of the bed-rooms of the princess and of Pergami at the Villa d'Este. I do not remember, because it has been changed all anew.

When did that change take place? When the voyage to Egypt was undertaken.

How long did you remain at the Villa d'Este before you went upon this voyage? About two months.

On board what vessel did you embark upon this voyage at Genoa? A man of war.

The Leviathan? The Leviathan.

To what place did you go in the Leviathan? We went to Porto Ferraja.

From Porto Ferraja where did you go to next? To Palermo.

Did the princess go to court at Palermo? She did so.

By whom was she accompanied? I do not remember.

How long did she stay at Palermo? Twenty or twenty-five days; no more; I do not remember properly.

To what place did you go from Palermo? To the Princess Bodaci.

After you left Palermo, which place did you go to? Messina.

Did the princess take a house in Messina, or near Messina? Near Messina; in the neighbourhood.

Do you know the relative situations of the bed-rooms of the princess and Pergami at Messina? I remember.

Were they near each other? Between the room of the princess and that of Pergami there was a room in which the dame d'honneur slept.

Who was that dame d'honneur? A sister of Pergami.

Did the other persons of the suite sleep in that part of the house, or in another part? In another part of the house.

You have told us, that the only room between the princess's room and Pergami's, was the room of the Countess of Oldi; was there a communication through that room from the princess's room to Pergami's? No, it was necessary to pass through the room of the dame d'honneur.

Is it to be understood that there was an interior communication from the princess's room to Pergami's, through the room occupied by the dame d'honneur? By passing through the room where the dame d'honneur slept, one might pass from the room of Pergami to that of her royal highness.

Do you recollect Pergami breakfasting or eating with her in the morning at Messina? I do.

In what room was that? Beyond the room where her royal highness slept there was a cabinet which led into a garden, and in that cabinet they took their breakfast.

Did they breakfast alone, or was there any other person with them in general? Alone.

Do you remember Pergami at Messina asking leave of the princess to go and make some purchases? I do.

Did the princess give him leave? She gave him leave.

Describe what took place when they parted from each other for that purpose? I saw Pergami, when the princess was going to take her breakfast, come in and say, "Will your royal highness permit me to go to Messina to make some purchases?" and having had this leave, he took her hand and kissed her lips.

About how long did the princess remain at Messina? Twenty-five or twenty days, that is about the time; I cannot take upon myself to say precisely.

To what place did the princess proceed from Messina? To Syracuse.

Did she proceed by sea or land? By sea.

Did she lodge at Syracuse, in the town of Syracuse, or in the neighbourhood? In the neighbourhood, out of the town.

Did the princess continue to live in the same house that she originally took at Syracuse? In the same country-house.

Was it near the pier? About a gun-shot.

Describe the relative situations of the bed-rooms of the princess and Pergami at that house you have now mentioned? Her royal highness slept in a room under, and he slept in a room above.

Mention whether there was a private staircase communicating from the one room to the other? There was a private staircase.

Did that staircase lead immediately from one room to another? It did immediately.

Was there another entrance into the bed-room of the princess for the ordinary purpose of persons who waited upon her? The chamber occupied by her royal highness had another entrance, that led into the saloon where they dined.

Do you remember seeing Pergami at any time, before going to Syracuse, go into the room of the princess, without being entirely dressed? I remember it.

The question was repeated at the request of her majesty's attorney-general. Yes.

Mr. Solicitor-general.—Where was this? If I do not mistake, I believe it to have been at the Caza Villani.

What part of his dress had he on? He had that morning-gown on which her royal highness had given to him, with his stockings, and his under small-clothes, or drawers.

Where did the princess go to from Syracuse? To Catania.

Can you describe the relative situation of the rooms of the princess and of Pergami at Catania? I can.

Were they near to each other, or distant? In a kind of court or yard, a little smaller than this room, this house.

Was there any thing else except that court interposed between the

bed-room of the princess and the bed-room of Pergami? There was nothing else but this court or yard.

Could any other person, after they were in bed, get into that court? No, because there was a door which was locked.

Do you remember whether Pergami was taken ill at all at Genoa? I remember it.

State whether it was necessary that his bed should be warmed? It was.

Did you warm the bed yourself? I did.

Did you see the princess upon that occasion? I did.

Was the princess in the room before you went in, or did she come in afterwards? I was already in the room when her royal highness came.

How was Pergami sitting? Upon a bench or stool while I was making the bed.

Was any direction given to you as to the mode of warming of the bed? I received an order.

From whom? Her royal highness.

What did she tell you To warm the bed; to make it neat, clean, and nice, or comfortable.

Did Pergami take any medicine upon that occasion? He did.

Who mixed the medicine for him? I do not remember.

How long did the princess remain in the room? During the time that the bed was warmed.

Was Pergami, at the time when he was sitting on the side of the bed, entirely dressed, or partly undressed? He was not dressed; he was dressed in part.

Can you state to what extent he was dressed; what part of his dress he had on, and what part of his dress he had off? He had this morning-gown on, but I do not remember what other things he had on.

How long did the princess live at Catania? About a month and a half, I cannot remember the time precisely.

To what place did she next go? To Augusta.

Did she go by land or by sea? By land.

Do you remember the situations of the bed-rooms of the princess and Pergami at Augusta? I remember.

Can you describe them? There was a small yard or court into which led both the rooms of her royal highness and Pergami; from the room of one you would pass into the yard, and also the other.

After they were in bed, could any person get into that court? No, until they got up in the morning.

At Augusta did you embark on board any vessel? We embarked on board a polacca.

Was that an Italian vessel? It was said that it was a Neapolitan polacca.

Where did you go to in this vessel from Augusta? To Tunis, in Barbary.

At Catania or Augusta, one of the two, did Pergami receive any title? It was at Catania.

Was he ever called excellency? I remember his being called so.

Was that at Catania? At Catania he was called his excellency.

Did he wear any decoration? An order of the knighthood of Malta.

Do you know whether, while he was in Sicily, he received any other title? This I do not remember.

Do you know whether at any time he was ever called baron? I remember he was called a baron of the Franchena.

Did he receive that title first in Sicily? Yes, he did.

Do you recollect where Pergami slept on board the vessel, the polacca? He slept in the cabin where they dined.

Was the princess's cabin adjoining to that cabin where they dined? It was near.

Did any other person sleep in that room where they dined? I do not recollect.

When the princess arrived at Tunis where did she reside? At the English consul's.

Did she reside there during the whole time she was at Tunis, or did she change her abode? She changed her lodgings.

Where did she go to afterwards? The palace of the bey.

Do you remember the relative situation of the bed-rooms of the princess, and of Pergami, in the palace of the bey? I remember it.

Were the rooms near each other? They were a little distance.

What separated them? There was, after the room of Pergami, a little room, a small passage or corridor, then a large passage, in which there was nobody, and that large room led into the bed-room of the princess.

Did any body sleep in the small intermediate bed-room? No, because the small room was neither a bed-room, nor any other room, but a mere room of passage.

Did the rest of the suite sleep in that part of the building, or a different part of it? All in another part.

Did the princess go afterwards in that vessel to Constantinople, and, after some intermediate places, to Scala Nuova? Yes.

Where did the princess's suite lodge at Scala Nuova, in what kind of building? They did not stop at Scala Nuova, but went to see the grotto of the Seven Sleeping Men.

How far is that from Scala Nuova? Half a day's journey.

Do you remember a place where there was a barrack? Yes, a caffé Turque.

Where was that? A little before going to the grotto of the Seven Sleeping Men.

Did the suite of the princess take up their residence in that caffé or barrack during the night? Yes, they did.

Do you remember a vestibule and a small church, surrounded by a wall, near that spot? I remember it very well, or too well.

Where did the princess sleep the first night upon her arriving at that place? Under the caffé, or within the caffé, under things all made of boughs of trees.

Do you remember while they were at that place, being sent for by Pergami, or the princess, to that vestibule enclosed in the wall which has been mentioned? I do.

Was the princess there at that time? She was.

Was Pergami also there? He also was present.

Was there any other person present? No one else.

Was it surrounded by a wall? It was surrounded by a wall.

Was the princess's travelling bed taken there? I carried it myself.

By whose direction? Both Pergami and her royal highness.

Did Pergami and her royal highness remain there together? Yes.

Had you prepared the dinner in any other place? I had carried it int the coffee-house, and her royal highness and Pergami ordered me to carry the dinner within this place, surrounded by a wall.

Did they dine there by themselves? They were alone.

Where was the princess sitting? Sitting on the bed.

Where was Pergami sitting? On the ground, at the feet of her oyal highness.

Did you wait upon them? I did.

After dinner was over, did they remain there? Yes.

Was any other person with them? There was no other person present.

Did the bed remain there? It did.

How long did they remain together in that place? An hour, or an hour and an half.

Where did they go to from Ephesus? To Scala Nuova.

Did they embark again on board the polacca? They did.

Where did they land? At St. Jean d'Acre.

Do you remember going from St. Jean d'Acre to a place called Aum? Yes, under the tent.

At Aum did all the servants of the princess's suite remain in the daytime under tents? They were under the tents.

Were they in the habit of travelling by day or by night? In the time of night.

And they went to sleep in the day-time? Yes, they slept during the day.

Under tents, in the manner you have described? Yes.

Do you remember the tent under which the princess slept? I do.

Was that among the other tents, or at a distance from them? It was at the distance of six or seven paces from the rest of the tents; there were three or four paces' distance between them.

What, to the best of your recollection, was the distance between the tents occupied by the rest of the suite, and that tent set apart for the princess? Five or six paces.

Under the princess's tent was there a bed? There was.

Was that the ordinary travelling bed of the princess? There was a little small travelling bed that her royal highness had ordered to be placed there, and there was a Turkish sofa.

Did this tent consist of one circle or of two? There were two tents one into another, a double circle.

Were the bed and the sofa placed within the inner tent? They were within the interior tent.

Was that inner tent of a circular form? Both were in a circular form.

What distance was there between the inner circle and the outer one, as nearly as you can recollect? The length of my two arms.

You have told us there were a bed and a sofa in the inner tent, did you see the princess there and any person with her? There was Pergami.

In the inner tent where the bed and the sofa were? Yes, and sometimes the little child.

Were Pergami and the princess there during the time that was allotted for sleep? During the time of rest.

Were the inner tent and the outer tent both closed? The inner tent was shut up by them, and the outer tent he might either close or leave it open as he chose.

When you say that the inner tent was shut up by them, by whom do you mean? Bartolomo Pergami, because the tent was closed from the inside.

Did they remain there during the whole time that was allotted for sleep? Yes, they did.

Do you remember going from Aum to Ragusa? No.

Do you remember going from Aum to Jerusalem? Yes.

Did you stop between Aum and Jerusalem? Yes.

Did they encamp again in the same manner? They raised the same tents in the same way.

Did the princess and Pergami again sleep under the same tent? Under the same tent.

How many days were spent on this journey in which they were travelling with tents? About two days, or two days and a half.

After the return from Jerusalem, where did the princess again embark? At Jaffa.

On board the same vessel? Yes, the same vessel.

On the voyage to St. Jean d'Acre, had the princess slept below in the cabin? Yes.

Do you remember on her embarking at Jaffa, on her voyage home, any tent being raised on the deck? I do.

What beds were placed under that tent? A sofa.

Was there a bed besides a sofa? A travelling bed.

Of the princess's? A travelling bed of the princess's.

Did the princess sleep under that tent generally on the voyage from Jaffa home? She slept always under that tent during the whole voyage from Jaffa till the time she landed.

Did anybody sleep under the same tent? Bartolomo Pergami.

That was on the deck? Yes, on the deck.

Did this take place every night? Every night.

Were they shut in; were the sides of the tent drawn in, so as to shut them entirely in? When they went to sleep the whole was enclosed, shut up.

Did they use a lanthorn or a lamp for the purpose of going to bed? They had a light.

You have said there was a light used, what was usually done with that light? Sometimes, after I had made the beds, Bartolomo Pergami told me to take away the light, and I took it away; sometimes Pergami himself gave me the light out of the tent, by thrusting his hand between the lower extremity and the deck.

Were those beds regularly prepared every night? Every night.

Do you remember whether the princess bathed on board this vessel? I remember it.

Where was the bath prepared? In the cabin of her royal highness.

Who assisted her at the bath? The first time I carried the water into the bath, and then Bartolomo Pergami came down and put his hand into the bath to see the temperature of the water; then he went up stairs and handed her royal highness down, after which the door was shut, and Bartolomo Pergami and her royal highness remained alone in the cabin.

Do you remember whether this bathing took place more than once? I remember that it has been more than once.

Do you remember, at any time, when the princess and Pergami were below in the room for the purpose of taking a bath, being called to supply any additional water? I do remember, two pails, one of hot and the other of cold water.

Do you remember who took that water in? I went with the water as far as the door of the cabin, and then Pergami came half out of the door and took the water, and took it in.

Do you know whether, at the time when you took the water in this way, the princess was actually in the bath or not? I cannot know.

Where was the cabin that you slept in situated, with reference to the tent you have described on the deck; was it under it, or how? I slept in the dining-room, on a sofa.

Was that, or not, under the tent? It was immediately under the tent, below deck.

Did you ever, on any occasion at night, while the princess and Pergami were in the tent, hear any motion over you? I have heard a noise.

What did that noise resemble; what did it appear to you to be? The creaking of a bench.

Where did the princess land? At Capo Dausa, in the pope's dominions.

Where did she go to from Capo Dausa? I do not know, because I did not follow her.

Who went a-shore at Capo Dausa? The princess, the sister o. Pergami, Countess Oldi, Hownam, the Turk, the Moor, a man called the Camera.

Who was the Turk; how was he called? One was called the Salem, and another the Soleman; but I think the Turk was the Soleman, and the other the Salem.

Do you know a person of the name of Mahomet? Mahomet.

Where did he embark on board the vessel? At Jaffa.

Did Pergami go on shore at Terracini? He did.

Was that before the princess landed? Before.

For what purpose did he go? For the purpose of getting leave to land without performing quarantine.

Do you remember the princess and Pergami taking leave of each other at the time he landed at Terracini? I remember it too well.

What passed between them? I saw him, at the time of taking leave, kiss her royal highness.

Where were Pergami and the princess at that time? They were in the cabin where they dined.

Where did you again join the princess? At the Villa D'Este.

How long did the princess and Pergami remain at the Villa D'Este before they again left it? About a month, I think.

How long did the princess and Pergami remain at the Villa D'Este before they again left it? I performed the quarantine at Genoa forty days, and I arrived thirty-seven days after her royal highness had arrived, and I remained there one month.

What time was it that you got to the Villa D'Este? I do not remember.

Did the princess and Pergami, after you arrived at the Villa D'Este, go to a place called the Barona? They did.

How soon did they undertake that journey after your arrival at the Villa D'Este? A month.

Whose house was the Barona? I do not remember.

Do you know a place called the Villa Pergami? This I remember.

To whom does that house belong? To Pergami now; he has bought it now.

Are the Villa Pergami and the Barona the same place? It is the same place. Before it was called the Barona, and now they have changed the name, and it is called the Villa Pergami.

Do you know when Pergami became first possessed of that place? I remember that it was about the time that they were in the house Villani; but I think that it was while they were in the Villa Villani that he bought this house.

Was this Villa Pergami, not the house but the estate about it, of considerable extent? There is land about it, and a species of rough house where they make cheese for the farmers; a farm house.

How long did the princess and Pergami remain in the Villa Pergami on that visit? About the time of six weeks, a month and a half; afterwards they took the road to Bavaria.

Was that during the carnival? It was during the carnival.

Do you recollect the relative situations of the bed-rooms of the princess and Pergami at the Villa Pergami? I do remember.

Were they near to each other? They opened both on the same landing-place.

By crossing that landing-place was there a free communication between the one and the other? Yes, the landing-place was about a yard in length.

Was that separated from the other bed-rooms of the house? From all the rest of the house.

Do you remember while the princess was at the Villa Pergami, any dances or balls being given there? I do remember.

Did that occur frequently? I remember twice.

How far was this from Milan? Two miles.

What description of persons attended at those balls? Country people, peasants.

Did any of the nobility of Milan visit her during the time that the princess was living there? I do not remember it. Yes, at one time Bellegarde went to pay his respects to her Royal Highness; then after that Sourow, his successor.

Was Sourow his successor? Yes, after Bellegarde went away, Sourow came.

Did you accompany the princess on her journey into Bavaria, and into Germany? I did.

Do you remember how the apartments of the princess and Pergami were arranged in that journey, at the different inns through which they passed? I remember in Bavaria.

At what place? At an inn, the Golden Stag at Munich.

How were they arranged at that place? The dining-room separated the bed-room of her royal highness from that of Pergami.

Do you remember in the course of that journey, or any other journeys, the rooms being arranged by the master of the house before the princess arrived, and being afterwards changed? I remember it.

Do you remember, upon any occasion, in those journeys, the rooms being arranged for the respective parties before the arrival of the princess? I do remember.

Do you remember after such arrangement had been made, upon the arrival of the princess and of Pergami any change in the arrangement being made? I do remember.

Can you state whether that happened more than once, and at what places? I remember it to have happened in Bavaria.

At what place in Bavaria? At the Golden Stag at Munich.

By whose order was the change made? Her royal highness and Pergami.

How were the apartments originally arranged; were those of the princess and Pergami near or distant from each other? Distant.

Was the change afterwards made to the relative situation you have before described? They were changed, and then Pergami said, this is the room where her royal highness is to sleep, and this is the room where I shall sleep.

You have stated the conversation which took place about the rooms in which Pergami was the speaker; was her royal highness present at the time? She was present.

The Solicitor-General had put the question whether the witness remembered being at Carlsruhe, when he was interrupted by

Marquis Camden, who reminded the house that it was

now considerably past the hour fixed for closing this business for the day—four o'clock.

The Earl of LIVERPOOL asked if the examination in chief were nearly closed.

Earl GREY thought that, rather than sit for the whole year, the house might sit for a quarter of an hour, or even an hour longer.

In answer to a question from the Lord-Chancellor, the Solicitor-General replied, that he did not think he could conclude the examination in chief of this witness in the time stated by the noble lord.

Some conversation ensued upon this point, and Lord Darnley suggested that in future the hour for closing should be five instead of four.

Lord ERSKINE was in favour of four o'clock, and Lord Grenville wished that, whatever hour was named, it should be adhered to, for the sake of despatch and regularity.

Lord ERSKINE moved that the house adjourn at four o'clock; and the question being put from the woolsack, we understood the Lord-Chancellor to decide it in the affirmative.

Ordered, That the further consideration and second reading of the said bill be adjourned till to-morrow ten o'clock.

Her majesty did not re-enter the house in the course of the day.

Her majesty rode in her carriage through Knightsbridge, Hyde Park, St. James's Park, and through the most populous parts of the metropolis. She was every where received with the most marked demonstrations of respect. The speech of the attorney-general seemed to have inconsiderable effect on the public mind. It was known to be only an *ex-parte* statement, and to be a reiteration of the charges contained in the bill of pains and penalties. Her majesty, however indignant she might feel at the repetition of such imputations, still maintains her confidence, and her friends unhesitatingly state, that they are prepared with the most complete answer to all that has been urged. The nature of her majesty's defence it would at this moment be most imprudent to disclose.

In consequence of her majesty's attendance at the House of Lords, she received several addresses at Brandenburgh House, before she took her airing. Amoug others, Colonel Davies presented the Worcester; Mr. Gilbert Heathcote, the Boston. There are nearly twenty at this time to be presented. Alderman Wood presented on Saturday to her majesty two from Bath, one signed by four thousand females, and the other by the same number of males.

Her majesty reached St. James's Square soon after eleven. Although the morning was extremely inauspicious from a heavy fall of rain, a vast concourse of persons was assembled to greet her, and the moment she came in sight the air was rent with the loudest cheers. Her majesty bowed most graciously. She seemed to be in excellent spirits. As her majesty had already announced that she would not attend the House of Peers till the examination of the witnesses had begun, Mr. Alderman Wood went down to the House of Lords to watch the progress of the proceedings, so that he might give her majesty the necessary information.

The crowd in the neighbourhood of the House of Lords, from the state of the weather, was by no means so numerous as on the former days, but still there was considerable enthusiasm manifested in favour of the queen.

HOUSE OF COMMONS.

An animated discussion, respecting the proceedings against her majesty, incidentally sprung out of the motion made by Lord Castlereagh for an adjournment of the house to Monday, the 18th of September, that day four weeks. His lordship said, when he named that day, the house would be aware that some further adjournment might be expected, either from the delay necessary when the proceedings at present pending in the House of Lords should come before them, or in case of any interruption being occasioned in the other house by

calling evidence from abroad. If any legislative measure should be deemed expedient, it would not of course be proposed to meet sooner than would allow time for a call of the house.

The motion was then put.

Lord Francis Osborne said, his objections to the bill now in progress through the other house were so deep-rooted and insuperable, that, if it were in his power, he should think it his duty to prevent even the threshold of the house from being polluted by it. He for one begged to give notice to the noble lord that no power on earth should ever induce him to enter into that mockery of justice. He meant not to say that he would not attend in his place to oppose the introduction of the bill; but sooner than incur the disgrace of making himself a party in a mock judicial proceeding, he would resign his seat. He protested against a proceeding that would convert that house into a judicial tribunal, for which it was wholly incompetent; and so strong was his conviction of that incompetency, that he thought he was not using too strong an expression when he said that the house had damned itself as a court of justice by passing the Grenville act. He should therefore move as an amendment to the motion of the noble lord, "That a humble address be presented to his majesty, praying that his majesty will be graciously pleased to prorogue the parliament, till it shall be necessary to call it together for the public service."

Mr. Hobhouse seconded the amendment. It was not necessary for him to state on the present occasion the reasons that induced him to protest against that monstrous measure which was now degrading the House of Lords, and which might well be termed a solemn mockery of justice. If he had had no other objections to it, he should have opposed it on barely seeing the preparations with which ministers were hedging themselves and their creatures. Never, he believed, had this country witnessed such a sight as had been presented to him that evening on coming down to perform his duty as an English member of parliament; never since the days of

Oliver Cromwell had a similar spectacle been exhibited. What was the world to think of a measure that could not even be generated without an assemblage of military guards; and that could not be carried on without filling with troops every apartment in the neighbourhood of parliament, and every avenue leading to either house? Indeed he should have thought it his duty, had he not been prevented by the motion of the noble lord for the adjournment, to move that the commanding officer be called to the bar to state by whom he had been ordered to take such a station. It was not enough to say that the House of Lords required the protection of the military: he for one would object to moving one step in this business till the army was removed from the chambers of parliament. He did not know if it was not even the duty of a member of that house to move that the military be withdrawn from the House of Lords; for it could not be forgotten that by a military force Oliver Cromwell dismissed an English parliament, and Buonaparte dissolved the Council of Five Hundred at St. Cloud. Without entering into any discussion of a question that had already been so ably argued both in that and in the other house of parliament, he should content himself with expressing his gratitude to the noble lord for his amendment, which he gladly seconded.

The motion and the amendment were then put from the chair.

Mr. Tierney said, that by the course now proposed, they were to move that his majesty be pleased to prorogue the parliament, and then whatever testimony had been given against her majesty was to stand on record without contradiction. By complying with the motion for adjournment, they were not binding themselves to adopt the course of proceeding pursued by the lords, and, if he thought so, none would be more ready than he to oppose it. He had already said so on the motion for the appointment of a committee to inspect the journals of the other house. When the bill was sent down to them, then would be the time for considering the propriety or impropriety of entertaining it. He could assure the noble

lord (F. Osborne) that he could not have greater objections to bills of pains and penalties than he (Mr. Tierney) had, but this was not the proper time for considering that question. In his opinion, the course now proposed would be highly injurious to her majesty and her cause, and therefore he should oppose it. At the same time he conceived, that by voting for the adjournment, he was not giving up one iota of the privileges and independence of the house to the other house of parliament.

Lord F. Osborne said a few words in a very low tone of voice. We understood him to state that he was not anxious to press his amendment to a division; but that he had thought it proper to take that constitutional mode of expressing his abhorrence and detestation of the proceeding which was now going forward.

Mr. Western expressed his conviction, that from one end of the country to the other there was scarcely a reflecting individual who did not regret that this prosecution had been set on foot. He had never yet met with any person who did not express his sorrow at the first step which had been taken in the business—the striking of her majesty's name out of the liturgy; and he confessed that he had not yet heard a single ground on which this measure of prosecuting her majesty by a bill of pains and penalties could be defended. He should therefore think it his duty to vote for the amendment of his noble friend if it were pressed to a division. That house, by the vote which it had already given, had negatived the proceeding: at the suggestion of the noble lord himself, it had in its whole conduct condemned the proceeding by a bill of pains and penalties.

Lord A. Hamilton felt with his right honourable friend (Mr. Tierney) the extreme hardship—the more than unfortunate situation—in which her majesty would be placed, if, after what had passed in the other house of parliament, the whole proceedings should be stopped. But, notwithstanding that he felt this as much as his right honourable friend, and as much as any man in that house, he still perceived

so much more danger which the country would have to encounter if these proceedings were persisted in, that in choosing the least of the difficulties which surrounded the subject on every side, he thought himself called on to vote for the amendment of his noble friend. His vote in this matter would not be solely regulated by the conviction of the guilt or the innocence of her majesty. He had insuperable objections to the mode of proceeding that had been resorted to, and indeed to any prosecution whatever of her majesty under the circumstances in which she had been placed, he might say, for the last six-and-twenty years—circumstances which in his mind precluded the possibility of doing justice to that woman by the question of her guilt or her innocence. Her majesty's conduct would admit so many shades of palliation, that those persons who fixed the guilt on her, supposing her to be guilty, were absolutely disqualified from instituting a prosecution against her. By searching the journals of the other house, they saw the nature of the measure that was about to be brought before them; and, therefore, considering the manner in which her majesty had been neglected at home, and persecuted and vilified abroad, he protested against the proceeding, on the ground of the treatment which she had experienced, as well as because the prosecution had been instituted by those who had subjected her to that treatment. If the noble lord had been consistent, that house would now have been involved in the same proceeding as the other; but perhaps the original choice of the noble lord might still come by necessity. He would explain: if the bill, after having passed through the House of Lords, should be rejected by the Commons, as he hoped it would, parliament would then be placed in a still more perilous situation than if they were to stop the proceedings at present. At first, it would be recollected, a green bag had been brought down to the Lords, and a similar one to the Commons also. The noble lord, however, had told the House a few days after, that there would be an inconsistency in the same proceeding originating in both Houses. Now, when the noble lord, and his colleagues in the

other House, had been so inconsistent in the very commencement of the proceedings, it would not be surprising if there were further inconsistencies between the two Houses. But his insuperable objection to this bill of pains and penalties was, that it fixed the notion of the crime, fixed the punishment, and fixed the mode of trial; and he could not agree to place all these powers in the same hands. But most of all did his mind revolt from it, when he saw the manner in which it was conducted; when he saw that it had been originated in defiance of public opinion, that it was persisted in, in defiance of public duty, and was to be carried into effect without allowing her majesty the same opportunity of recrimination to which other persons were entitled. With such a body of evidence against the measure, he should probably vote against the bill, whatever proof might be adduced of the charges which it contained; but at present he thought it his duty to support the motion for staying all further proceedings. In an earlier stage of the proceedings, it would be recollected, he had suggested an amendment to the House, and if that amendment had been adopted by the high authority of the member for Bramber; if a motion had been carried for replacing her majesty's name in the liturgy, instead of that motion which counselled her to suffer without complaint the disgrace of its absence; if that course had been taken, the country might have been spared all the evils which had already been experienced, and the still greater evils which in all probability were to come. He begged pardon (the honourable member continued) for having trespassed so long upon the time of the House, but he should not have done his duty either to the House, to himself, or to the party accused, if he had given a silent vote upon the occasion, or if he had neglected to state that the vote which eventually he might be called upon to give would not be regulated wholly and entirely by the degree of guilt or innocence which the pending proceedings might establish.

Lord Castlereagh declared, that he would not suffer himself to be provoked at an unseasonable period into a gar-

bled discussion of so very important a question, there was nothing, as it appeared to him, before the house to-day, which should lead them to depart from that course which, upon their last deliberation, had appeared to them most becoming and convenient. He felt neither surprise nor resentment at the strong opinions which the noble lord opposite entertained and expressed of the conduct of ministers, nor at the strong objections which, in a constitutional point of view, that noble lord felt to the present course of proceeding. But while he begged to state that he should find no difficulty in justifying the measures of himself and of his colleagues, he submitted that that was not the question now at issue. The house had separated, leaving the question pending before the House of Lords in a shape which would probably bring it before the other branch of the legislature, and with an understanding that nothing would take place at the present meeting but discussion as to the ulterior adjournment; and to enter upon a subject like that which had been opened would scarcely be satisfactory to that portion of the members who were not now present, and who had parted under an idea that no important business would be deliberated upon without such due notice as would enable them to appear in their places. The fact was, that so far from any thing having occurred during the adjournment which afforded a ground for quashing the proceedings, circumstances had transpired which rendered such a course more than ever objectionable. At the rising of the house it was uncertain even whether the lords would proceed. Now, they had proceeded; nay, more, the case had been opened; all the facts were notorious to the world. Surely no member of that house —no man who valued one principle of justice—who felt an atom of feeling for the honour and dignity of the crown, or of regard for the moral feeling of the country; no man who prized the honour of the queen herself, who would seek to put an extinguisher upon the proceedings at such a moment, and leave her majesty in the calamitous situation of having had such a case opened against her without being allowed an opportunity for justification. God forbid that he should re-

gard as proof that which had passed in her majesty's case; but he did feel that, so far from acting as a friend to the queen, that man who should recommend to his majesty to quash the proceedings in their present stage would place her in the most cruel situation. It might be a question, too, whether such a measure would be consistent with the privileges of the other house. There was another objection which he would strongly urge to stopping the proceedings at the present moment. Would not such a course be imputed to intimidation? Would it not be so interpreted by a party always ready to put the worst construction upon the acts of that house, and by whom no efforts to produce such intimidation had been spared? The house had not the slightest cause for changing its former opinion; every circumstance had an opposite tendency. To what, then, could such a change be ascribed, but to a base surrender of their minds and privileges to those endeavours which had been used to set the country in a flame, to smother altogether the inquiry in question, to term it an infamous conspiracy against the queen, nourished and got up by the hands of the government; attributing to that government acts and motives, which he for himself and those connected with him disdained, which every honest mind must contemplate with disgust and with abhorrence? Let it not be supposed that parliament could be influenced by delusion or by terror. Let the house do its duty steadily and firmly. Let the inquiry go on. The discussion of the case would tranquillize the country one way or the other. Either the honour of the queen would be preserved in the only way in which it could be preserved, by proof that the case against her had no foundation in truth; or a case would be made out against her which the wisdom of parliament would deal with as it should think fit. But, whichever course the event might take, from the moment the facts were understood the country would be tranquillized; but the effect of quashing the proceedings now would keep the public mind in a state of ferment, to open to every conspirator in the country the means of carrying his lawless objects into execution. Was it possible to do so more effectually than by proroguing

parliament at the present moment, as if there was nothing at stake, nothing requiring its attention? Was it not leaving the minds of the people open to every impression with which political adventurers might endeavour to inspire them? Once more he submitted to the house that this was not the proper period for discussion. It was sufficient that there was a perfect understanding, as it had been expressed by a right honourable gentleman opposite (Mr. Tierney), that the proceedings of the lords, when it should come before the house, would be open to any objections that the members might think proper to urge against it. There was only one other observation to which he would advert, and that was an observation which had fallen from the honourable member for Westminster, who thought the appearance of the avenues to the house, surrounded and guarded by a military force, offensive to the principles of the constitution. That honourable member had deemed it a course peculiar to the proceedings now pending, but if he would take the trouble to inquire, he would find that the troops were not stationed by the executive government, but by the orders of the other house, founded on the same resolution as had taken place upon the impeachment of Warren Hastings. At that time there certainly could have been no reason for placing an armed force in the neighbourhood of the house as a measure of security, and at that time it would be perfectly well remembered, that the peers went down to the house attended by a body of the horse-guards. The noble lord concluded by trusting that the house would think he did merely his duty in resisting discussion at the present period, and with an assurance that government had no disposition to take any measures for which precedents could not be found in the best periods of our history.

Mr. Wilberforce could have been well contented to have acquiesced in the determination expressed by Mr. Tierney, that, in assenting to the proposed adjournment, he gave no sanction to the proceedings now pending before the lords, and that he should consider those proceedings open to opposition when they came before that house, had he not felt

it necessary to say a few words upon what had fallen from Lord Archibald Hamilton. Every one must have observed the extent to which, upon the present subject, calumny had been circulated; and he knew that he had been the object of it. He would willingly have moved the restoration of her majesty's name to the Liturgy, but from a conviction that he could not have carried such a motion; but let it be remembered that, when he became the organ of that address which suggested to the queen the waving of such restoration, he acted in consequence of what had passed between himself and one of her majesty's legal advisers. He solemnly declared, that in carrying up that address he had anticipated its success; relying upon the effect of a declaration from so large a majority of the House of Commons that her majesty's acceptance of the proposal should not be taken as compromising in the slightest degree her innocence and character, but merely as evincing her readiness to accede to the wishes of parliament. He did protest to the house that he never wished to stop any thing in the world so much as he had wished to stop the inquiries in question. Let not gentlemen suppose that they had already witnessed the greatest evils which were to result from it. The public ear had already been offended with some of those gross disclosures, with a description of some of those disgusting scenes, the developement of which had been expected; and how much worse would such exposures be when evidence was called to enter into the detail and to substantiate particulars. The noble lord upon the opposite bench had stated, that when parliament had risen, no intimation had been given of intention to propose any alteration in the adopted mode of proceeding. The explanation of that fact, as far as he (Mr. Wilberforce) had been concerned, was honestly this—His mind had been so entirely occupied with the hope of quashing the matter altogether, that he had not sufficiently considered the point of adopting another course of proceeding. He greatly regretted that he had not done so. The noble lord who had last spoken had told the house that the present was not a proper moment for general discussion; but he must say that,

independent of his constitutional objections to a bill of pains and penalties, the progress of such a bill, under all the circumstances of the case, through the House of Commons, appeared to him perfectly interminable. The House of Lords was accustomed to act as a court of judicature; that house possessed members who had filled the highest judicial situations, and who upon questions of law were naturally listened to. The twelve judges too were at hand, who might be referred to on any point of difficulty or doubt. But how was the House of Commons to act? Why, every single question proposed to a witness might become a subject of debate, upon which every member of the house would be at liberty to express his opinion. And what means could be taken to avoid such delay? To the present mode of proceeding, therefore, he had, upon all accounts, the most decided objections, and he could not sufficiently regret that some other measure had not been thought of. Even if such a measure had been unwarranted by precedents, it would not have been important, for there was deviation enough from precedent in the present course. In the House of Lords, he believed, there had been instances in which cases of treason had been tried in the lord high-steward's court. That court had consisted originally of only a certain number of members of the House of Peers, called together by the lord high-steward: but the arrangement had been changed by a statute of William III., according to which the duty of attendance devolved upon all the members of the house. Now if the whole house was considered too large a body, he did not see why something upon the principle of the Grenville bill might not be resorted to; some proceeding which, by allowing to either party a series of challenges, should at last leave the question to be decided by a certain number of peers, so selected that even the breath of calumny could have nothing to urge against their candour and impartiality. Looking at the bill of pains and penalties, he felt that which had been so strongly expressed by the noble lord upon his right (Lord Francis Osborne), that the House of Commons, by passing the Grenville bill, had shown that they considered

themselves ill qualified for judicial proceedings; that they had thus avowedly taken a course against their own infirmities. Still, however, he could not consent to leave the proceedings in their present state. He thought it neither fair towards the queen, towards the crown, nor towards the country. He thought it impossible to leave such charges in existence, neither proved nor disproved, against an individual entitled to the attention, to the consideration, to the respect, which her majesty's rank commanded. Of those foul charges he trusted that the queen would prove her innocence. He did not term them the effect of conspiracy; when he said that he trusted the queen would prove herself innocent, he meant it in a fair and honourable sense. While, however, he declared, as his opinion, that to leave the case as it stood would be derogatory to the honour of the party accused and to the dignity of the royal family, he protested against misconstruction: he meant to express no approbation of the mode of proceeding which had been adopted, and should exercise his own discretion in the consideration of those proceedings if ever they came before the house.

Mr. Brougham scarcely knew whether he ought to address the house upon the present question, but he rose from a fear that his silence might be misconstrued. No man who had attended to the course which he (Mr. Brougham) had had the honour of taking would accuse him of having too anxiously pressed the matter forward, or of having been disinclined to any arrangement which could with propriety have been adopted by the high parties concerned. From the very moment when the message from the crown had forced the matter upon the attention of the house, he had been the first to entreat of the house to pause before it was too late. The house had so far listened to his entreaties as to accede to the motion of his honourable friend (Mr. Wilberforce)—a motion which had been made upon his (Mr. Brougham's) recommendation. But now it was too late. They had arrived at a situation at which it was impossible to stop short. To refer, even directly, to what had passed in another house

would, he apprehended, be no breach of privilege; the case had been opened—the facts had been stated, not merely with common perspicuity, but with a degree of detail of which he did not complain, but which he had very seldom, if ever, witnessed. This was not all; evidence had been called. A witness—the chief witness—the witness to whose testimony they had been looking forward; the witness who was to prove almost the whole case; this witness had been examined—not cross-examined, for his examination in chief was not yet over—and was this a moment to stop the proceedings in the House of Lords? to tell the queen that she must be accused, and have a witness examined against her, but that there must be a pause before even that witness can be cross-examined in her defence? He would say that such a measure would be a most gross and crying act of injustice. There was another reason which rendered delay most objectionable. The House of Lords had, in the present instance, taken a course directly different from that which they had pursued on former occasions of a similar description. In the comparatively trifling case of Lord Melville—a case in which there could be little delicacy as to publishing the proceedings—in that case the lords had expressly prohibited publication of the proceedings until the whole should be completed; but upon the present most delicate question, where every thing depended upon the publication, they had never thought fit to take one step to prevent the disgusting detail from being furnished piecemeal, day by day, to the palate of the public. What would be the effects of that publication it was impossible to say; but if the house stepped in now to arrest the inquiry, the house would make that measure of the lords an act of the most gross and outrageous injustice. It was not so at present: oh, no; their lordships were all wisdom, and justice, and impartiality; but it was a justice, nevertheless, which a pause on the part of the Commons would convert into the most horrible injustice. Therefore he did implore the house not to listen to the proposal which had been made to them; he implored his noble friend to withdraw that proposition. Upon the merits of the pro-

ceeding he would not say one word. It would be time enough to talk upon that subject when the question came—if ever it should come—to be considered before that house.

The amendment was negatived without a division.

HOUSE OF LORDS.

FIFTH DAY—TUESDAY, AUGUST 22.

The order of the day being read for the further consideration and second reading of the bill, intituled "An Act to deprive her majesty Caroline Amelia Elizabeth of the title, prerogatives, rights, privileges, and exemptions of queen consort of this realm, and to dissolve the marriage between his majesty and the said Caroline Amelia Elizabeth;" and for Counsel to be heard for and against the same:

The Counsel were accordingly called in.

Then Theodore Majocchi was again called in, and further examined by Mr. Solicitor-general through the interpretation of Nicholas Dorier Marchese di Spineto.

You were mentioning yesterday that you went with the queen on the journey to Bavaria into Germany, did you go to Carlsruhe? I did.

Did you go also to Nuremburg, Vienna, and Trieste? I did.

Without asking you particularly as to the situation of the bed-rooms of Pergami and the princess, at each of the places at which they slept during that journey, to the best of your recollection were those rooms generally contiguous to each other, or having a direct communication with each other, or were they at a distance?

The interpreter stated, that the phrase *meglio vicino che lontano*, used by the witness in his answer, might have a double meaning,—more near than far—or, more generally near than far; it might mean very near, or comparatively near. Their lordships might take it as they liked. (A laugh.)

Mr. Brougham thought that this instruction should be given to the interpreter, that when words had a double meaning, he should translate them literally, and leave it to the house to judge of their import.

The question was repeated several times, and the result

given by the interpreter was—"rather more near than distant —more near than apart."

Mr. Solicitor-general.—Explain what you mean by the expressions you have just made use of, whether they were usually near or usually at a distance? Nearer than far, more near than far.

Did they usually communicate with each other? Yes, they did.

Were they generally separated from the rooms occupied by the rest of the suite? They were.

Who generally selected the apartments, that is, the bed-room of the princess and of Pergami? They both made the distribution of the chambers; her royal highness and Pergami.

Did Pergami travel on that journey in the same carriage with the princess? In the journey to Bavaria, and to Genoa.

When you say that Pergami travelled in the same carriage with the princess in the journey to Bavaria, do you mean also in the journey through Germany? I meant so.

Was it your business to prepare the carriages, and the things that were put into them? It was my duty.

Do you know in what particular part of the carriage Pergami usually sat during the journey? I do not remember.

Do you remember at any time in examining the carriage finding any bottle in it? I found one bottle.

Was that usually in the carriage on the journey, when the princess and Pergami travelled together? It was.

Will you explain the construction of the bottle, as far as relates to the opening, or mouth of it, was it large or small? About three or four inches in diameter.

Do you know from what you found from time to time in that bottle, for what purpose it was used in the carriage? * * * *

Do you remember being at the convent of Benedictines at St. Alessio? I do remember it.

Do you remember seeing the princess at breakfast there? I do remember it.

Did the princess breakfast alone, or did Pergami breakfast with her? She breakfasted with Pergami.

Do you remember upon that occasion any thing being done by Pergami to the princess? I do not remember.

Will you mention at what place it was you quitted the service of the princess? At Pesara.

In the whole, how long had you been in the service, as near as you can recollect? Nearly three years.

After you left the service of the princess at Pesaro, where did you go? To Milan?

Into whose service did you afterwards enter? The Marchese Erba Odescalchi.

How long did you remain in Italy after you left the service of the princess at Pesaro? I do not remember.

As nearly as you can tell, state how long you remained in Italy after you left the princess? Four or five months; precisely I do not remember?

Do you remember at any time going with the princess to Pavia? I do.

At what inn did you lodge at that place? I do not remember the name of the inn; but it is an inn on the right hand of entering Pavia.

Do you remember, at any time when the princess was at Naples, Pergami being out on horseback, and the princess asking for him one evening? I remember it too well.

The interpreter was asked—

Does the Italian word used by the witness mean very well, as well as too well?

The witness used the word *troppo,* and the answer having excited some observation within the bar, the interpreter said, it means "very well." I have translated it "too well," because it was observed by the learned attorney-general of her majesty yesterday, that it meant "too;" I should, upon my oath, translate it "very well."

Her majesty's attorney-general stated that he had been misunderstood.

Mr. Solicitor-general.—During the absence of Pergami on horseback, in the manner you have described, did the princess ask for him? She did.

The solicitor-general wished here to remind their lordships, that the witness had stated that he had been with the queen before at Naples for about a month, in the year 1814.

Upon the return of Pergami after that ride, did you communicate to Pergami that the princess wanted him? I did.

Was the princess at that time above stairs in her bed-room? I do not know, because I was down below in the court.

In consequence of your having communicated to Pergami that the princess wanted him, did Pergami go up stairs to the bed-room?

Her majesty's attorney-general submitted whether this question could be put as against Pergami, without evidence of the conduct of the queen to bring them together.

The lord chancellor considered the question irregular, and

informed the counsel that the question appeared to the house to be a leading question, and that it should be put thus: "To what place did Pergami go upon the communication being made to him?"

Mr. Solicitor-general.—After it was communicated by you to Pergami that the princess wanted him, where did Pergami go to?

While the witness was giving the answer, before it was interpreted, her majesty's attorney-general interposed, stating that it was irregular, as relating a conversation which had passed between the witness and Pergami.

The solicitor-general submitted that the conversation would be evidence, if it related to an act done by her majesty.

Lord Erskine made some observations, which were not distinctly heard. We understood him to say that the conversation would not be good evidence if held in the absence of her majesty.

The lord chancellor said that a conversation in the absence of a third person might be evidence, if connected with some act of that person.

The counsel were informed that the question might be put.

The solicitor-general said that of the nature of this conversation he was no way apprized, but he would ask the witness,

After you had communicated to Pergami, that the princess had asked for him during his absence, what did he do, where did he go to? Into his own room.

After he had entered into his own room, what did he do as to the door? He shut up his door?

When you say he shut the door, what do you mean, that he merely closed it, or did he do any thing with the lock? He locked the door.

Do you remember how long Pergami remained there? Three quarters of an hour, or an hour.

Did you see the princess below stairs in the rooms during that period? I did not.

In the former part of your examination, being asked with respect to the position of the bed-room at the Villa d'Este, you said, that some change had taken place, did that change take place during the time they were absent in Greece? It did.

Do you know what was the relative situation of the apartments of

the princess and Pergami at the Villa d'Este, after her return from Greece, and after that change had taken place? I remember it.

Were those apartments near to each other, and was there a direct communication between them? Yes.

Were the apartments of the rest of the household at a distance? They were further.

Do you remember whether there was any door which, being closed, shut all communication from the rest of the house, from those apartments occupied by the princess and Pergami? Yes, when the door was locked, then nobody else could enter.

Do you recollect whether, for the purpose of forming this communication, any alteration had been made in any wall of any of those apartments? I do not remember.

Was there a theatre at the Villa d'Este? There was.

Did the princess act upon that theatre? She did.

Did she act with Pergami at that theatre? I have seen Pergami and the princess, but I have not remained during the whole performance of the comedy.

Upon your first arrival at the Villa d'Este, and your first residence there, was the princess usually visited by persons of distinction of that part of Italy? I do not remember.

Do you remember a person of the name of Mahomet, that was in the service of the princess? I do not remember him *.

What countryman was he? It was reported of Jaffa.

Did he come on board the vessel at Jaffa? Yes.

Did he remain with the princess at the Villa d'Este during the whole time that the princess resided there? Yes.

Can you tell of any circumstances in the conduct of Mahomet; any exhibitions which he was in the habit of making, observing always not to mention them unless the princess was present?

Her majesty's attorney-general submitted, that the princess and Mahomet should be first brought together, and then a question asked, What passed while they were together? in order to prevent the witness misconceiving the question, and forgetting the reservation.

The solicitor-general stated, that he would endeavour to put the question so as to avoid all misconception.

Do you remember, on any occasion when the princess was present, Mahomet making any exhibition.

It was here asked what was meant by a giuoco, and the

* Sic in orig.—so in the original. In our report the answer is,—Yes

interpreter, stated, that it was a generic term, which comprehended all kinds of plays, games and tricks.

Mr. Solicitor-general—Was the trick, or whatever you allude to, one that he was in the habit of making?

Her majesty's attorney-general observed, that they had nothing to do with the habits of Mahomet, and submitted, that this question ought to be put with a guard; only those parts of his habit which were brought home to the knowledge of her majesty being receivable in evidence.

Mr. Solicitor-general.—Describe what this giuoco was, to which you allude, before the princess?

Here the witness moved his body up and down, with a sort of dancing motion, occasionally extending his arms and snapping his fingers, as if using castanets, in a fandango, and exclaiming, "vima dima," or some such words*.

The interpreter being asked what this was, said it was a species of dance very commonly performed in the east, and—

Mr. Brougham interrupted the interpreter, observing that his account was unnecessary. Could he explain the words "vima dima?"

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* Though we have no predilection for the oriental giuoco, the Spanish fandango, the German waltz, nor the disgraceful exhibitions of Bartholomew fair, yet it would appear that the dancing performances of Mahomet, which had raised a prejudice against her majesty, are neither more nor less than the original fandango, introduced into Spain by the Moors, as will appear from the subjoined extract from Bourgoing's work on Spain:—"No sooner is it begun at a ball than every countenance becomes animated; and even those who, by their age and profession, are most obliged to gravity, have much difficulty in preventing themselves from joining in the cadence. It is related on this subject, that the court of Rome, scandalized that a country renowned for the purity of its faith, should not long ago have proscribed this profane dance, resolved to pronounce its formal condemnation. A consistory assembled, the prosecution of the fandango was begun according to rule, and sentence was about to be thundered against it, when one of the judges judiciously observed that a criminal ought not to be condemned without being heard. The observation had weight with the assembly. Two Spaniards were brought before it; and, to the sound of instruments, displayed all the graces of the fandango. The severity of the judges was not proof against the exhibition; their austere countenances began to relax; they rose from their seats, and their arms and their legs soon found their former suppleness. The consistory-hall was changed into a dancing-room, and the fandango was acquitted. The fandango is different, according to the places in which it is practised. It is frequently called for at the theatres, and generally closes private balls."

The interpreter could not.

Mr. Solicitor-general.—Was any thing done by Mahomet, upon that occasion, with any part of his dress? He made use of the linen of his *brachese*, or large pantaloons.

Describe what use he made of the linen of his large pantaloons, and what he did with it? He made the pantaloons go backwards and forwards *(moving his person backwards and forwards.)*

Before he began, or during the time of this motion, did he make any arrangement or any alteration as to his pantaloons; did he do any thing with the linen of his pantaloons, or trowsers? This I do not know.

Describe this giuoco from beginning to end, every thing that was done as nearly as you can recollect, whether with his pantaloons, his turban, or any other part of his dress?

Here the witness pulled up his trowsers, and repeated his imitation of the giuoco of Mahomet as before.

The interpreter said their lordships saw the motion the witness made, and could judge of it as well as he.

Mr. Brougham said that the motion the man was making might be described in one short word,—a curtsey. Some peers called out, *No, no.*

Mr. Solicitor-general.—Describe with accuracy what was done with the pantaloons or trowsers; how were the trowers prepared? He made them strike forward—go backwards and forwards.

Did he do any thing to the trowsers with his hands, either at or during the time when these motions were going on? I have not seen it.

Was the position of his trowsers the same as usual? Always in the same state.

Do you remember upon more than one occasion this giuoco being practised in the presence of the princess? More than once.

Was Pergami present also? He was.

The Villa d'Este was upon the banks of the Lake of Como; did you ever see the princess upon the Lake of Como with Pergami? Many times.

Alone, or with other people? Alone.

You have said that you have seen her many times upon the Lake of Como, and you have also said that you have seen them alone on the Lake of Como; have you seen them often on the Lake of Como, or seldom? Many times.

The solicitor-general here said,—" My lords, that is all the questions I have at the present moment to ask this witness."

Mr. Brougham.—" I trust, my lords, I shall now be permitted, according to the usual course, to enter upon the cross-

examination of this witness. I am ready to do so." Cries from the peers of *Go on.*

CROSS-EXAMINED BY MR. BROUGHAM.

When the learned gentleman was about to commence, the Marchese Nicolas Spinetto was going to retire, and make way for the second interpreter, Beneditto Cohen; but Mr. Brougham said there was no necessity whatever, he was quite satisfied with the interpretation of the Marchese, who accordingly continued to interpret, but removed to the left of the witness, so as that the latter should stand exactly next the learned counsel.

You have told us that you left general Pino's service; was not it on account of killing a horse, or something of that kind? No.

You never killed a horse at all? Never, never, on ever.

You never told any one that you had? Never, never.

While Mr. Brougham was in the act of putting this question, some signification, by whisper or gesture, was made by some of their lordships, which seemed to indicate disapprobation.

Mr. Brougham appealed to their lordships to know whether he had fallen into any irregularity. Cries of *No, no.* Their lordships must be aware that any symptoms of admonition must have great weight with him, and were certainly calculated to withdraw his attention from the serious duty he had to perform. Cries of *Go on.*

What wages had you in General Pino's service? Twenty-five pence of this country per day.

Did you not find that enough, and leave the service on that account? I left the service at Mantua; during the blockade of Mantua I left the service of General Pino.

At the second table of the queen's house at Naples, the table of the gentlemen, did not Sir William Gell's servant sit also? I do not remember.

Do you remember another English servant of Mr. Craven, another of the gentlemen of her royal highness's suite, dining at that table? I do not remember that.

Had either of these two English gentlemen English servants at all in her royal highness's family? They had.

English servants? Yes; I believe they were English, because they always spoke English.

Were they livery servants, or servants out of livery? During every day they did not wear livery, but during a grand dinner, I saw them come home with livery uniforms.

Interpreter.—Uniform is the translation of the word used, but livery is his meaning.

Was it the duty of the ordinary livery servants of the household to wait upon her royal highness? At table, yes.

Was it their duty to wait upon her royal highness also at breakfast in the morning? No.

Was not the duty of the upper servants, including the couriers, so to wait upon her royal highness? Yes, it was.

Do you know Hieronimus? Very well.

Do you know Camera also? Yes.

Were they couriers? They were couriers, because they wore the livery of couriers, and rode.

In the princess's house at Naples, where did William Austin sleep? I do not remember.

Will you swear that he did not sleep in the next room to her royal highness? This I cannot remember (*non posso ricordormi.*)

What was the room next the room in which her royal highness slept? I have seen no other.

Where did Dr. Holland, her royal highness's physician, sleep? I do not remember.

Will you swear there was no passage by which her royal highness could enter Pergami's room, when he was confined with his illness, except going through the room where you slept? I have seen that passage, other passages I have not seen.

Will you swear there was no other passage? There was a great saloon, after which came the room of her royal highness, after which there was a little corridor, and so you passed into the cabinet; I have seen no other passage.

Will you swear there was no other passage? I cannot swear; I have seen no other than this, and I cannot say that there was any other but this.

Will you swear that there was no other way by which any person going into Pergami's room could go, except by passing through the cabinet? I cannot swear that there is another; I have seen but that; there might have been, but I have not seen any, and I cannot assert but that alone.

Will you swear that if a person wished to go from the princess's room to Pergami's room, he or she could not go any other way than through the

cabinet in which you slept? There was another passage to go into the room of Pergami.

Without passing through the cabinet where you slept? Yes.

Where did Hieronimus sleep in this house? I do not remember.

Where did Camera sleep? Camera was not then in the service at Naples.

Where did Sir William Gell's servants sleep? I do not remember.

And you do not remember where Mr. Craven's servants slept neither, I take for granted? That I do not remember.

The constant repetition of the witness's answer, "Questo non mi ricordo," (I don't remember,) occasioned some laughter.

Where did Dumont sleep; the maid? I do not know.

Where did the other maids sleep? I do not know where the other members of the family slept.

Was it not a very severe accident which Pergami met with, from the kick of a horse? It was so severe that he could no longer go on horseback.

Was it not so much more severe than that, that he was confined to his apartment? I cannot say that, because I cannot have any knowledge of the illness.

Had you not so much knowledge of the illness that you were taken for the purpose of attending him in the illness, and made to sleep now for the first time in the cabinet next him? Yes; Pergami told me to put my bed to wait upon him.

You have said that he could not ride, did he go out walking during the accident? I cannot know whether he could walk.

Did you see him walk out every day as usual out of his room and into the streets? I do not remember.

Will you swear that during his illness you ever saw him walk out once? I do not remember to have seen him go out walking.

Did you ever go into his room during the time of his illness? I waited upon him.

In waiting upon him did you frequently go into his room? Often.

Did you find him there walking up and down the room? This I do not remember.

Was he attended by any medical man? I do not remember.

Did you not see her royal highness the Princess of Wales go into the room of Hieronimus to ask after his health when he had had an accident which confined him? I do not remember.

Have you not seen her royal highness go into the room of Sir William Gell also, when he was confined with illness to his room? I do not remember.

Was it not the constant practice of her royal highness to go herself

into the chamber of any of her suite who might happen to be ill, in order to see after their health and their treatment during that illness? I do not remember.

You never happened to be ill yourself at Naples? No.

Did her royal highness make any difference whatsoever in the attentions she paid between the upper servants, the gentlemen or ladies of her household, and the lowest of her attendants, during their confinement by sickness?

The solicitor-general submitted, that her majesty's attorney-general was assuming, as the bases of his questions, facts which did not appear at present to exist, which he conceived to be irregular, even in cross-examination.

Her majesty's attorney-general was heard in support of the question.

The counsel were informed, that the regular mode of cross-examination, if it was meant to prove that her royal highness went into the room of Hieronimus when he was ill, was, the witness should first be asked whether he knew that Hieronimus was ill, and then the witness might be asked whether her royal highness went into his room.

Her Maj-sty's Attorney-general.—Were all the parts high and low, of her royal highness's suite, with the exception of Pergami, always in perfect health during the time they were at Naples? I do not remember.

Did Dr. Holland the physician never attend any body at all, during the residence at Naples? There was no other but Pergami during the time that I remember; Pergami was ill of that fall, the others I do not remember.

Do you mean to say that you do not remember any other person being attended by Dr. Holland, during the time that Pergami was ill in consequence of that fall? I do not remember.

What sort of a bed did you sleep upon in the little cabinet, while you attended Pergami. A mattress.

It had no curtains, had it? No; it was carried on the shoulders and laid down.

When her royal highness went from Naples to Rome in March 1815, what English persons were with her? Doctor Holland; as far as I remember, Hieronimus.

Was not Lady Charlotte Lindsay there? Was it a small lady, for I do not remember her name.

Was there one English lady with her royal highness, or two, at that

time? I remember to have seen one English lady; I had seen one, but the other I had not seen; the little thin one I had seen, and remember.

Did one or both of those English ladies go with her royal highness from Naples to Rome? Madame Falconet, the mother, and the two daughters; the mother was said to be the wife of Falconet, the banker of Naples.

Was Mrs. Falconet an English lady? I do not know.

Did she always talk English? She spoke rather French, but I never heard her speak English; I do not know whether she spoke English, but she always spoke French.

Did you ever see these two young ladies, these daughters of Mrs. Falconet's, in the princess's house with their mother at Naples? At Naples I do not remember to have seen them.

Did you see them any where else in the princess's house? I have seen them on the journey; when we began our journey from Naples to Rome.

Then is it not true that Mrs. Falconet did take her daughters to Rome with her? Yes.

About what age were those two girls? I do not remember.

Were they young children or young ladies?

The witness made an answer, upon which the interpreter stated, that it was apparent the witness did not understand the question.

Her majesty's attorney-general desired, that that which he had stated might be translated.

The counsel were informed, that it was the wish of the house, that the witness might not be interrupted, in giving that which he might conceive to be an answer; but might finish any thing he had to state, it not being the intention of the house to impute blame to either interpreter or counsel, in respect to such interpretation as had occurred.

Were they young children or young ladies? Yes; ladies.

Did you see Lady Charlotte Lindsay, or any other lady besides Madame Falconet, with her royal highness, after she left Naples? I do not remember.

Did you ever see more than one English lady in the household of her royal highness at the same time? I do not know; I do not remember. *(Non mi ricordo.)*

Her majesty's attorney-general desired, that the expression might be translated "I do not remember."

The interpreter explained, that these words meant "I don't remember, or I don't know;" and that they answered to the French phrase "Je ne sais pas." Mr. Brougham considered the correct translation of the words to be of much consequence: and he dissented from that which had been put upon them by the Marchese: upon which the Marchese Spinetto (the interpreter) begged that their lordships would apply to the interpreter for her majesty, who was behind him, and would correct him if he was wrong. Their lordships desired Mr. Cohen, accordingly, to be asked, which was done by Mr. Brougham.

How do you translate the words "Non mi ricordo?"—I do not recollect.

How do you render "I don't know?"—"Non so."

Mr. Brougham then appealed to their lordships. It would be the most childish thing in the world in him were he to talk of his knowledge of the Italian language; because their lordships had appointed an interpreter, and they were to take the witness's answer through him. But if it appeared that they always translated "Non mi ricordo" "I don't recollect," it seemed to him that it might be allowable for a person—even, who was only a Tramontane, like himself—to doubt whether the same words could sometimes mean "I don't recollect," and at others "I don't know."

[The interpreter, with their lordships' leave, re-stated the question.]

Lord Hampden desired the interpreter to say how he would translate "This I don't recollect."—The interpreter replied, "Non mi ricordo questo."

Mr. Brougham said, that was exactly his construction of the words. Did the interpreter, by "Non mi ricordo," mean to say, "I have no recollection," or "I have no knowledge?" The interpreter answered, "I have no recollection:" and that the word "questo," which was desired to be precisely stated, applied to the particular circumstance spoken of.

Her Majesty's Attorney-general.—You gave us an account yesterday of having knocked one night at Pergami's door at Genoa so loud that he must have heard you, and that he gave no answer? I did.

What sort of people were they who had come into the house that night, that made you go and knock up the baron—knock up Pergami? It was when that theft was made.

Do you mean to say that robbers had broken in, or threatened to break into the house? Robbers had gone into the house.

Was not the alarm given that it was part of your friend Ompteda's gang? was not that the alarm in the queen's house?

The solicitor-general objected to the question, as assuming there was a person of the name of Ompteda, and secondly, that he was a friend of the witness; and also assuming that there was a gang of which the friend of the witness was a party.

Mr. Brougham.—So they were, by the answer to the last question which I put.

The solicitor-general.—Of which gang you also assume, that the friend of Majocchi, the witness, was a part.

Mr. Brougham.—A part of the gang! he was their head, their ringleader.

The lord chancellor, addressing the learned counsel, observed, that he had said he would go by steps; but here he was assuming the whole of the facts, which it was not competent for him to do.

The counsel were informed, that that question appeared to the house irregular, and such as ought not to be put.

Her majesty's attorney-general stated, that he had put the question in that form to save time, but would put it with more minuteness.

Did not somebody that night come and attack a window of the house? Yes, some thieves.

Did not you yourself go to the window on that occasion? I opened the window, and saw a tall person before me; I took a gun and fired upon this person, that fellow; I saw more than one, and I fired upon those persons; they ran away.

The counsel were directed to withdraw.

Lord Mansfield then asked whether Sir William Gell was one of the witnesses summoned; and being informed that Sir

William was ordered to attend, he demanded whether he was present.

The lord chancellor asked if Sir William Gell was present, n attendance upon the house?

The usher of the black rod informed their lordships that he was.

Upon Lord Mansfield's motion that he be called in,

The lord chancellor was of opinion that their lordships might hear him within the house; but, if so, he did not know if such a proceeding should not be subject to a question, whether he might thereafter be examined as a witness upon the question. Their lordships, as he understood the matter, had thought it would be most proper that the witnesses, upon both sides, who were not under examination, should withdraw while the examinations were going on—with the exception only of those who were employed upon professional business, or who were attending, otherwise, upon account of a necessity to do so.

Earl Grey understood that it was the wish of the house that the other witnesses, upon both sides, should retire during the examination of a witness. If any one were now present it might be contrary to the understanding of the house, and from error, but it would be much better that the house should now lay down distinctly what it would rule, in order that no witnesses might hereafter be present except those who were necessarily so.

The Earl of Liverpool concurred in the propriety of the course recommended by the noble earl; he only wished to know what he meant by the words "necessarily present.' Did he mean to say professionally? or did he mean "necessarily," as for the purposes of consultation? for he (Lord Liverpool) could easily conceive that in the case of the queen it might be necessary that some of the witnesses should attend in consequence of the information which they could give. He submitted that counsel on either side should have their option—that of having the particular individuals present in the house, or of afterwards examining them. He agreed in the

opinion of the noble earl, but wished to know what he meant by being "necessarily" present.

Lord Grenville should recommend, "that witnesses not yet examined be directed to retire, and that they shall not be present without the leave of this house." All the witnesses who might be retained upon both sides ought not, he conceived, to be present. If it were wished by counsel to have the assistance of an officer who might be a witness, for the purpose of conducting the case, he ought not to be present. That officer could not be presumed to be present, or, if he were present, he could not afterwards be examined as a witness.

The lord chancellor was quite sure that he spoke to an assembly which would feel the deepest possible regret if it should happen that an unfortunate misunderstanding should exclude any witness whose testimony might satisfy their lordships as to what the proof was. He should hope that they would take the rule which had been suggested by the noble lord under the gallery—that any person ordered to attend on that house as a witness during the present proceeding, should not be suffered to be examined, if he should have previously been present during the examination of any other witness. But he should be very sorry (whatever might be the inconveniences which might arise from a contrary course) if their lordships applied this rule to such an extent as to exclude parties employed as the agents of those who were concerned in the case; or, in consequence of such a mistake as had occurred, if their lordships applied it in the present instance. He, for one, would ten thousand times rather meet these inconveniences and consequences, than that, because of a misunderstanding, this evidence should be shut out. The lord chancellor then repeated the rule, and asked their lordships whether it was their pleasure to adopt it?

The counsel were again called in, and informed that it was the desire of the house, that in future no person shall be examined as a witness, other than the members of the house, without leave of the house, who has been present during the examination of any other witness or witnesses.

Her majesty's attorney-general stated to their lordships, in excuse for Sir William Gell having been present, that he had excepted those persons who were in official attendance, and that Sir William Gell was in official attendance upon her majesty, but that he had now withdrawn, and would not in future be present.

Her majesty's solicitor-general stated, that Lord Landaff was ordered to attend as a witness for her majesty; that he had applied to the attorney-general for his consent for his lordship to be present; that as that consent might not be sufficient, he now begged to apply to the house for permission for Lord Landaff to be present.

The counsel were informed that any Irish peer had a right to be present.

The lord chancellor stated, that the resolution was not intended to exclude any Irish peer, or others, who had a right to be present.

The attorney-general requested to be informed, whether the rule was intended to apply to those who were professionally engaged on either side, or whether it would be necessary to hand in to their lordships a list of those gentlemen necessarily attendant on each side, so as to come within the rule laid down.

The counsel were informed, that it could not be intended to include those professionally engaged, and they were directed to hand in a list of those (counsel, attornies, and their clerks) whose attendance was necessary on either side.

The examination of the witness then proceeded.

Her Majesty's Attorney-general.—After the robbers had attacked or threatened the house, and you had fired upon them in the way you have described, was not the whole house alarmed by what had taken place? I immediately ran to knock at the door, and then in going down stairs I found that all the people had collected, or were coming down stairs.

Did you see any one of them with a drawn sword in his hand upon that occasion? I cannot remember that.

Was Captain Hownam there upon that occasion? I do not remember whether he was there.

Was Hieronimus? It was all the family, but I cannot say individually whether those persons were there.

Did you see Pergami there? Yes, Pergami was there, I saw him.

How long after the first alarm was it that you went to knock at Pergami's door? Three minutes.

Three minutes after you had fired the piece? Yes.

After knocking at Pergami's door, and not finding him there, did you open the door to see whether he was in the room or not? No, I did not open the door; but Pergami came out about a quarter of an hour after; a great noise was made, and then he came out.

Where were you at the time that Pergami did what you are pleased to call, come out?

Interpreter.—I cannot put the question in that way, what you please to call, come out; I can put it, when he came out.

Where were you when Pergami did what you call, come out? I knocked at the door, received no answer, and went down stairs, and then all the family was coming out; and then I saw Pergami come out in about a quarter of an hour afterwards.

Then first you fired upon the robbers, then, three minutes afterwards, knocked violently at Pergami's room, then you went away, and a quarter of an hour after that the house were pleased to take the alarm, and all to come out?

Mr. Solicitor-general objected to this question, as an incorrect statement of the answer.

Mr. Brougham here observed—He first fires upon the robbers; three minutes previously he has knocked violently at the door of Pergami's room; then he goes to see what is the matter. But it seems that in a quarter of an hour after this it is, that the house is alarmed, and he fires at them. Will you ask him, how soon it was after he fired the piece that he saw Pergami and the rest of the household come out?

I fired, ran to the room of Pergami, knocked, and received no answer; went back again to the place where I had fired, the family collected, and I called and said, Robbers, robbers, we have robbers in the house; I remained there, and then the people retired.

How long were you knocking at Pergami's door? I remained a long time, and I knocked very loud, louder and louder.

Did you go below from Pergami's door? I went down to the same room where the robbers had been.

Where did you first see Pergami after that time? In the same room to which I referred, and where the thieves had been.

You have said, that the princess went almost immediately from the Grand Britannia at Venice, to a private house in the neighbourhood? Yes?

What was the room next to the queen's room in that house? There was a great saloon, and in the corner there was a room which led into the bed-room of her royal highness.

Was there another room on any other of the four sides of the princess's room? There was on two sides a window, and on the third side there were other rooms.

Was there not a room used for a sitting-room on the side you are now speaking of, which opened into the queen's room? I do not know what use the room was put to.

Where did Hieronimus sleep? I do not remember.

Beyond those rooms which you have described, and of which you say you do not know the use, was there a staircase? I do not know, I have not seen any staircase on that side.

Where did William Austin sleep in this house? I do not remember.

Where did Captain Hannam sleep? I do not know.

Was he with the queen at Venice? He was.

Was William Austin? He was.

Hieronimus? He was.

Cameron? No, he was not there.

Was Victorine, Pergami's child there? I do not remember.

Did Victorine, the child, always sleep in the room with the princess? Where?*

After the time that the child Victorine came to be in the house with her royal highness, did she generally sleep in the same room with the princess? I do not know.

Do you know of her sleeping in any other part of the house? I cannot know that.

Did you ever see her sleeping in any other part of either the house or the ships? I do not remember; she slept under the pavilion with her sometimes.

Interpreter.—I do find it difficult to make myself understood; the witness is frightened out of his wits; he does not understand the most common words; I cannot make him understand the question.

Will you swear that you ever in your life, saw Victorine sleep in any other part of the ship or house, except where the princess was? Sometimes she slept under the pavilion, where was the bed with her royal highness; sometimes she slept down below, in the room of her royal highness, and sometimes she slept with the dame d'honneur.

Whom do you mean by the lady of honour? The Countess Oldi.

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* We have it,—"generally."

Who besides yourself, do you know, ever saw Victorine sleeping out of the room where her royal highness slept? That I do not know.

Did you ever yourself see Victorine in a room, and in a bed where her royal highness was not to sleep that night. I have never seen it.

Did Mr. Burrell, an English gentleman, go to Venice with her royal highness at the time you have spoken of? I do not remember.

Do you ever remember having seen a gentleman of that name in her royal highness's family, for any length of time? Yes, a short young man.

When and where? At the Villa Villani, when we were there, and also at Milan and the house Boromeo.

Where did he sleep at the Villa Villani? I do not remember.

At the Casa Boromeo? I do not remember.

At Venice? I do not remember there also.

The second time when you went back to Genoa, was not the arrangement of the rooms the same as usual with respect to the princess and Pergami? The princess did not stop at Genoa only once; she merely embarked there when she came from Naples the second time, she went immediately on board the ship.

Have you ever seen the Villa d'Este since the time you came back from the long voyage? I have.

Was the position of the rooms the same as it had been before with respect to the queen and Pergami? They were not in the same situation as before.

Was there not a stair-case or a landing-place of a stair-case on one side of the princess's room on her return? A small corridor.

Was there a sitting-room on the other side of it, not opposite, but on one of the other sides of it? There was a small corridor, on the left of which there was a door that led into the room of the princess, which was only locked; and then going a little further on in the corridor there was on the left hand a small room, and opposite to this small room there was another door which led into the room where they supped in the evening.

Did not that room communicate on the one side with the princess's room, and on the other side with the room where the maids slept? There was this supping room on the right, there was a door which led into Pergami's room, and on the same right hand of the same room there was a small alcove, where there was the bed of Bartolomo Pergami.

How many doors were there in the small sitting-room where they supped? I saw two doors open always, but there was a third stopped by a picture.

Where did her royal highness's maids sleep? On the other side, in another apartment.

Where did Mr. Hannam sleep? I do not know.

By what passage did the maids get into her royal highness's bed-room, for the service of the chamber? Through the small corridor.

Into which her royal highness's room opened? They could go this way, through the small corridor.

Upon the journey, when her royal highness used tents for resting in, you have said that her practice was to travel by night, and to rest during the heat of the day? Yes?

Did her royal highness ride upon that journey? She rode on horseback.

About how many hours was she on horseback, generally speaking, in the course of the night? She mounted her horse in the evening at the sun-set, and travelled all night, till the rising of the sun.

It is not asked as to half an hour, or even an hour, but about how many hours was she on horseback during the night? I do not recollect.

Was she four hours? She mounted on horseback in the evening when the sun set, and dismounted in the morning when the sun arose; but I had no watch, and I do not know the length of time.

Will you take upon you to swear, that she did not frequently ride in this manner as much as eight hours without stopping? I do not recollect.

Was not her royal highness extremely fatigued when she dismounted in the morning from those rides? It was said, that she was very tired, and she immediately went to rest herself on the Turkish sofa.

Was she very much fatigued during the last hour or two of those rides before dismounting? I cannot recollect that.

Have you not seen, during the last hour or two of those rides, her royal highness obliged to have persons supporting her on horseback, from the excess of her fatigue? I do not recollect.

Was it not her royal highness's practice upon those rides, the instant she dismounted from horseback, to throw herself upon the sofa for repose?

[At this period of the examination her majesty entered the house, and took her usual seat below her counsel and near the witness. Their lordships rose on her entrance.]

After she dismounted from her horse, she threw herself upon the sofa, because she was tired.

Have you not yourself slept or rested yourself between the inner and the outer of those two tents where her royal highness reposed during the day? Yes; I and Carlino.

Was not this the regular place of rest both for you and Carlino at such hours? I slept on one side and Carlino slept on the other, because it made two tents; and in the interstice of those two tents on one side I slept, and on the other side Carlino.

Does Carlino mean Camera*? It was said that he was a nephew of Bartolomo Pergami.

Was he one of the servants? He wore livery, as I did.

What sort of sofas were they that were put under the tent on those occasions; was not one an iron bedstead, and the other a sofa? There was first a Turkish sofa, or rather a sofa placed by the Turks, and then I placed an iron bedstead.

Are you understood rightly that no bed-clothes of any sort were put upon the sofa? I do not remember that.

Was not the sofa put down in the same state in which it was carried, like a common sofa in a room? Yes; in the middle of the pavilion was a pillar or column, and the sofa was placed close to it.

Was it not in every other respect as sofas are, which are placed in rooms? It was a sofa; I have not paid particular attention; I know it was a sofa.

On the iron bedstead did you not place a mattress to make it more soft to lie upon? A small mattress which did belong to the small iron bed.

Was it not a mattress, cased in leather, a leathern mattress? I do not remember.

Used you not to place it; was it not your office to put it there yourself? It was my office, together with Carlino, to place the bed.

Those were the same beds; the sofa and the bed that were used underneath the tent on board the polacca, were they not? There were two bedsteads, one that was in a trunk, and the other folded up in a bundle; but I do not remember whether it was that in the trunk, or that in the bundle.

Were they not exactly of the same kind? That of iron, which was made in a bundle, was a very little larger; and the other, which was in a trunk, was a very little smaller.

Was not the sofa the same that was used on board the polacca under the pavilion? I do not recollect whether it was the same or not.

If it was not the same identical sofa, was it not a sofa so like in every respect that you might easily take one for the other? I cannot say.

Was it not her royal highness's constant practice upon the voyage to throw herself down for repose in the middle of the day without taking off her clothes? To this I paid no attention; I made no observation.

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* We have it,—" who was Carlino?"

Will you take upon yourself to swear, that during the whole of that voyage, the princess ever took off one stitch of her clothes? If you speak so, I shall understand you; after her royal highness had dismounted from the horse, she undressed herself to rest herself.

What part of her clothes do you mean to swear that her royal highness took off for that purpose? The upper gown; the upper garments.

Do you mean to say that her royal highness took off her gown, or a sort of surtout or cloak, in which she had been riding? I do not recollect.

Was there not a cloak which her royal highness was accustomed to throw over her the moment she dismounted, for the purpose of resting in it? I do not recollect that.

Did her royal highness put on a mantle when she mounted in order to pursue her journey? I do not remember that.

Were there sheets and blankets upon the sofa under the tent, in which a person taking off their clothes could go to bed, as is usual in Europe? I placed the bed, and then I placed some feather pillows, and then I retired.

You did not put any sheets or blankets, or coverlids and sheets, did you? I do not remember.

Was it not exactly the same used for sleeping under the tent on board the polacca afterwards, during the sea-voyage? I do not remember; I know that there were beds or cushions, but I do not know whether the beds were made whether to get into or not.

Will you swear you ever saw, either on the land journey in Palestine, or on board the ship during the voyage, one stitch of common bed-clothes, sheets, blankets, or coverlids upon that bed? This I do not recollect.

Who except yourself and Carlino ever made those beds, either on the land or sea-voyage? I do not recollect any other who did it.

Have you not sworn it was you and Carlino whose duty it was to make those beds? Yes; when we arrived under the tent I placed the bed, and then I went out.

You have told us how and by whom the bed was made at night, who removed the beds in the morning on the voyage? I do not remember.

Will you swear that it was not yourself? I do not recollect. In the evening I was ordered to make the bed, and I carried the cushions; then in the morning I was called and took away the cushions; for it was not a matrimonial bed, a large bed, a real bed, but they were merely small cushions which I placed where people could rest.

Did you ever happen to see Billy Austin, William Austin, rest under the tent in the same way on the voyage, or on land? I do not recollect.

Did you ever see Hieronimus rest in the same way in the tent? I do not recollect.

Will you swear that they both of them have not so rested in the tent? I do not recollect.

In the room below the cabin on board the polacca, where did Hieronimus sleep in general? I do not recollect.

Where did Mr. Hannam sleep? I do not recollect.

Where did William Austin sleep? I do not remember.

Where did the Countess Oldi sleep? I do not remember.

Where did you yourself sleep? On a sofa in a room where they dined.

Did not Cameron sleep in the same room on another? Cameron was not a servant there.

Was Cameron on board the ship? He was on board the ship, but he was not a servant.

Where did he sleep? I do not know where he slept.

But you swear that you yourself slept on a sofa in the dining-room? Yes; whenever I felt myself sick or unwell, I went down below; but when not, I slept there; generally I slept there.

Where did the maid sleep? I do not know.

Where did Captain Flynn sleep? I do not know.

You know there was one English sea-officer on board the vessel, as well as Captain Hannam? Yes.

The whole of the voyage? Lieutenant Flynn was on board the polacca Carolina, during the whole voyage.

Was he not in her royal highness's suite in her royal highness's land journey, as well as the sea voyage? I do not remember that.

Will you swear that Lieutenant Flynn was not on the land journey with her royal highness to Palestine? This I do not recollect.

About what aged man is Lieut. Flynn? I cannot tell.

Is he a very young man, or a man of about thirty? I cannot recollect.

Is he older or younger apparently than Lieut. Hannam? This I cannot recollect.

Have you ever seen him in her royal highness's suite, except during the long voyage? I do not remember.

Did you ever see him in your life with her royal highness at the Villa d'Este, or the Villa Villani, or any of the other palaces her royal highness inhabited? I cannot remember.

Have you the least doubt in your mind, that Captain Flynn never was in her royal highness's service regularly when on shore? I do not remember either yes or no; I do not recollect at all of this.

When did you see Captain Flynn for the last time? I do not remember.

About what time? On the return from the voyage to Egypt, I remember he was on board about Syracuse, or at Syracuse.

And you do not recollect having ever seen him since? I do not remember to have seen him after that.

Were you ever sea-sick on the voyage home from Jaffa? Whenever I am on board a ship, I am more unwell than well.

[Some observations were here made on the exact meaning of the words "sempre non sano," as introduced by the witness in his answer, which Mr. Brougham observed must be taken as conveying the idea of "always ill," and not "for the most part," or "almost always," as might be inferred from the translation. It was, however, decided that the answer should remain.]

The counsel were informed, that in case any doubt arose whether the interpretation was correct, it must be explained by the interpretation of the other interpreter, who was sworn; for that there was no person in the house, or at the bar, who had a right to give any interpretation.

Her Majesty's Attorney-General to the Marchese.—Give us in Italian, the very words the witness said?

He answered "sempre," and in the same breath, he added "le più parti," and that as far as I can collect it is, for the most part I was more sick than well.

Then when you were unwell, you went below did you not? Sometimes I threw myself on the cannon *, sometimes I threw myself on the sofa, sometimes I was down, and threw myself wherever the sickness surprised me.

Did you not, when you were ill during the voyage, sleep below under the deck? Under the deck.

In the hold? Yes, at the bottom of the ship [*in prondo*].

Have you not been frequently, during the voyage, for days together, when you never made your appearance on the deck at all? When I was unwell, sometimes I was a day or two without coming up; when I was unwell I was sometimes a whole day without coming up.

Will you swear you have not, during the voyage, been kept down

* We have it "canvass."

by illness for more than two whole days together? I was whole days together without coming up.

Do you mean that you were whole days together? For instance, in the morning I fell sick, and I remained below till the next morning.

Will you swear that you had not been more than two days without ever coming up at all? I was ill one day and one night; for instance, this morning I fell ill, and I remained ill till next morning.

Will you take upon yourself now to swear, that you never, during the whole voyage, were more than one day and one night together without coming above upon deck?

On the motion of the Earl of Liverpool, the other interpreter, Mr. Cohen, was called in, and Mr. Brougham's question—"Whether the witness would swear that he never, during the whole voyage, was more than one day and one night together without coming up on deck?" was repeated by him.

The witness answered in the affirmative.

The examination proceeded through the interpretation of Mr. Cohen.

Do you mean that you swear that you never were more than four-and-twenty hours together without going upon deck? Yes.

More than four-and-twenty hours following each other? From one morning to the other.

During the time that you were on board ship, did they not keep watches as is usual upon deck? I do not remember.

Were you the only person upon deck at that part of the ship where the tent was placed, in which her majesty slept during the night? I did not sleep upon deck.

When you saw the tent placed for her majesty to sleep in, and left at night to go below, were you the only person on deck at that time? This I do not remember.

Were there no sailors on board this ship? There were.

Did those sailors never come upon deck? This I do not remember.

Did those excellent sailors always remain below in the hold with you? This I cannot remember, if they slept in the hold during the night-time or went up.

Do you mean to represent that the ship was left to go alone the whole of every night without any sailors being on deck? I cannot know whether the sailors were down in the hold or upon the deck while the vessel was going during the night.

Did you not see the sailors upon deck during the day? Yes, they were at work in the day-time.

About how many sailors were there on board this ship? I do not know the number

Were there four? I do not know the number.

Will you swear there were not two-and-twenty? I cannot swear.

About what size was this ship? I cannot give an account of this vessel, because I have no knowledge of ships.

So that whether there were two sailors on board this ship, or two-and-twenty, you will not take upon yourself to swear? No, No, No; I cannot tell.

Was there a captain? Yes, the owner of the ship.

Were there any other officers belonging to the ship? I cannot tell; I do not know.

Who slept in the place where you used to sleep down below in the hold? I know very well that I slept there, but I do not remember who else.

What part of the ship was it regular and customary for the livery servants of her royal highness's establishment to sleep on board the ship? This I do not know.

The livery servants of the suite? This I do not remember.

Were you not yourself a livery servant? Yes.

Where did the padroni of the vessel sleep? I do not know.

How many masts had the vessel? Three.

Will you swear that it was not a ship of three hundred tons? I have no knowledge of ships, and I cannot say.

When her royal highness slept below, had she not a room in the inside, beyond the dining-room? This I do not remember.

When her royal highness was going by sea on her voyage from Sicily to Tunis, where did she sleep? This I cannot remember.

When she was going afterwards from Tunis to Constantinople on board the ship, where did her royal highness sleep? This I do not remember.

When she was going from Constantinople to the Holy Land on board the ship, where did she sleep then? I do not remember.

Where did Pergami sleep on those three voyages of which you have just been speaking? This I do not know.

Where did you sleep yourself? I went below.

Do you mean in the hold? In the hold.

Were you ever yourself in the room in the vessel where the princess used to dine? Yes.

How many doors were in that room? This I do not remember.

Do you not know that there were two rooms which entered out of that inside? This I do not remember.

Was not the bath taken always when taken in the dining-room itself? Not in the dining-room, but in the room next to it

What do you mean by the room next to it? A small room.

What do you mean by the other small room; where was that placed? Another small room that was on one side.

Do you mean, that after you entered from the fore part of the vessel where every body slept, into the dining-room, that within the dining-room there was another small room entering into it? As soon as you enter the dining-room, there was a small room where the princess took the bath.

At this time, half-past two o'clock, her majesty retired from the house to her private apartment; the peers stood up as she left the house.

Their lordships having expressed a doubt whether the answer to the question had been rightly translated, it was translated as above by the Marchese di Spineto, which was assented to by both sides, as being the correct translation. The interpretation proceeded through the Marchese di Spineto.

How often will you swear that her royal highness took the bath during the voyage? I can swear to twice; she might have taken it more, but I remember only two times.

Was it Pergami's office to prepare the bath for her royal highness? This I do not know, but I believe not.

Whose office in her royal highness's household was it? This I do not know.

Was it your office? I was ordered to carry the water into the bath.

Did you carry the water into the bath, or only to the door of the dining-room? I was ordered to make the bath, and I filled the bath with water about one-half; then I called Pergami, he came down and put his hand into the bath to try the temperature, and then he told me to get ready some more water, and to give it him, in case it should be wanted.

When you were there, and put in the water first to make it half full, and called Pergami down to see whether it was of the right temperature, was there any body else in the room but Pergami and yourself? No one else.

Did you not then retire, and leave Pergami to see whether the bath was rightly prepared or heated? After I had called Pergami, and he had thrust his hand into the water to try the temperature, I was told to go and get some more water, hot and cold, that I might give it to him in case it was wanted.

In this dining-room was there not another room opening into it, besides the room where the bath was? I do not recollect.

Will you swear there were not two, one belonging to the princess, and the other belonging to the Countess Oldi? This I do not remember, whether there was any other door *.

But you will swear that Cameron did not sleep there? No.

Maurice Cameron? I never saw him sleep there.

Did you ever see Maurice Cameron upon the voyage at all? I do not remember whether he slept there.

Was he not on board? He was on board.

Was he not on board, and was he not with her royal highness during the whole of the long voyage? Yes; but I do not remember where he slept.

You will not swear he did not sleep in that very dining-room? No, I cannot swear that.

Was he not with her royal highness during the whole of the land journey, as well as during the voyage? He was.

Was he not a page and courier? I remember he was a courier, but I do not know that he was a page.

Cameron was no relation of Pergami, was he? This I do not know; I cannot know.

You have told us that Carlino was, because he was said to be a relation of Pergami's; was Cameron said to be a relation of Pergami's in the same way that the others were said to be? This I never heard.

What number of maids had her royal highness with her, upon the long voyage? There were mademoiselle Dumont, Brunette, and the countess Oldi.

How long is it since you have seen Dumont? At Naples.

You have never seen her since you saw her at Naples; where did you see her last? At Pesaro, when I left the service of her royal highness.

You have never seen her since that? Never.

Do you know where she is now? No, I have never seen her since.

Perhaps you do not know whether she is dead or alive? I cannot know it.

Have you never heard of her since you left her at Pesaro? Never.

Have you never heard her talked about since you left Pesaro? No.

Have you never heard her name mentioned since you left Pesaro? I have never heard it.

Have you never heard Sacchini talked of since you left Pesaro? Yes, I have heard his name mentioned.

Have you not seen him too? I have spoken to him once on the piazza of the cathedral of Milan.

Have you never seen him since? I do not remember to have seen

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* We have it "room."

him after that, I do not remember to have spoken to Sacchini; it is possible, it may be, that I may have done it, but I do not remember.

You said yesterday you had seen the princess and Pergami at breakfast together. Yes.

Who saw them at breakfast besides Hieronimus and yourself?

The solicitor-general objected to the question, as assuming that the witness had said that Hieronimus had seen them at breakfast together.

Her Majesty's Attorney-general.—You saw them yourself? Yes.

Hieronimus was there too, was not he, at the same time? I do not remember.

Was the Countess Oldi present? I do not recollect.

Was not Hieronimus present one of the times you saw the princess and Pergami together at breakfast? I do not recollect whether Hieronimus was present?

Who was by at the time that you saw Pergami salute her royal highness, upon going to do some business for himself at Sicily? I had seen nobody else but myself, the princess, and seignior Bartolomo Pergami.

Who was present besides yourself at the time that Pergami saluted her royal highness on landing, on account of the quarantine at Sicily? There was nobody but myself, the princess, and Pergami; I had seen nobody else.

Was it not on the deck of the vessel, after dinner, that this happened? Under the deck, before going up to the deck.

Was it not after dinner? Yes.

Where had they dined? I do not remember where they had dined, but I know it was after dinner.

Was it not in the room in which they had dined that this took place? It was in the dining-room; the princess was there, and there came Pergami to take his leave about his departure.

Have you not represented yourself to have been in the same room at the time? I was present.

When her royal highness slept in the tent on deck, did she burn a light during the night? She did not burn a light.

Have you ever been at the Villa d'Este since you quitted her royal highness's service? Yes, I have been; after Pesaro, I went to the Villa d'Este?

Did you go to the Villa d'Este straight from Pesaro? I went straight forward from Pesaro to the Villa d'Este.

How long did you remain there? I do not remember the time.

Was it days or weeks? I think days, but precisely I cannot tell the number of days.

Have you ever been there since that time? I have been there a second time.

How long after that first time was it? I cannot recollect.

Was it months or weeks? I do not think it was past months.

Did you ever apply to be taken back into the service of her royal highness after you left it? I do not remember.

Did you ever apply to Count Vasali to be taken back? I do not recollect.

Did you ever apply to Baron Pergami to be taken back? If I well recollect, never.

Did you ever make application to Louis Pergami, or any other of the Pergami's, to be taken back? I do not recollect it.

Did you ever apply to Mr. Scavini to make interest for your being taken back? Once I did.

When was that once? At the hotel of Italy.

About how long after you left Pesaro was that application? I do not remember.

Was it a week after? More than months.

Will you swear it was not half a year? I cannot recollect the number of months, how many there were.

Did you ever write a letter to Bartolomo Pergami, or Scavini, or Vasali, after leaving her royal highness's service? Never; because for my misfortune I know very little to write.

Did you ever make any other person for you write a letter to Vasali, Scavini, or the Pergami's, after you left her royal highness's service? Never, as far as I recollect.

When you made application to be taken back at the Albarga Italienne, some months after you left the service, were you not refused to be taken back? I do not remember whether it was answered yes or no.

Were you, in point of fact, taken back to the service of her royal highness? No.

Have you ever been taken back since, in point of fact? After I left the service of her royal highness, I never again entered into her service.

Was not Scavini with her royal highness upon the whole of her voyage to the east, the long voyage. He was on board.

Was he not on shore too, during the journey? And he also came on shore during the whole time of the journey.

In the journeys by land which her royal highness made, did not madame Oldi, and the child Victorine, travel in the same carriage with her royal highness. I do not remember.

Was William Austin in the same carriage with her? I do not remember that ever he was.

Whose house did her royal highness occupy when she was at Carlsruhe? This I do not know.

Was it an inn or a private house? I believe it was an inn.

Was it not an apartment in an inn which the English minister had given up to accommodate her royal highness? This I do not remember.

Were William Austin and Madame Oldi, and Victorine, upon that journey, and at Carlsruhe, with the princess? I do not remember.

Will you take upon you to swear that they were not all there with her? They were on the journey.

Were they not on that journey during the whole time? They were.

Did they not go wherever her royal highness went on that occasion? Yes, they followed her.

Was that not a journey which her royal highness undertook to pay a visit to her relation, the Grand Duke of Baden? Yes, I remember we set out on a journey to Baden.

Did the elector wait upon her royal highness at Carlsruhe, and did her royal highness go to the court of Baden? This I do not remember precisely.

Do you mean to say that you do not remember whether or not her royal highness, when she was at Baden, went to court at all? Her royal highness went to court.

Did the Grand Duke wait upon her royal highness at her hotel? This I cannot assert; I do not know.

Was the English ambassador seen with her royal highness at that place? This I do not know.

Do you happen to know the name of the English minister at that place at that time? I do not recollect it.

You have described a change being made in the Villa d'Este during the long voyage, was there not a new wing built to the Villa during that time? I do not remember whether a new apartment had been built.

Do you mean to represent to this court that you do not recollect whether a new building was entirely added to the Villa d'Este during the time that you and your mistress were in the east? I do not remember whether they had erected a new building.

At the time that those sports were performed by Mahomet, was not Dr. Holland present as well as her royal highness the princess of Wales? No, I have not seen him.

Will you swear that Dr. Holland was not then present? No, I have not seen him.

Must you have seen him if he had been there? I have not seen him.

Will you swear that Lieut. Hannam was not present when Mahomet

played off those tricks? I have not seen him; that which I have seen I say; what I have not seen, I say no.

Who else was there beside yourself and the black performer, and her royal highness herself? I have not seen any body else. I have seen the princess, Pergami, and Mahomet, with my own eyes.

Whom did they send for Mahomet on that occasion; were you the person sent to bring Mahomet on that occasion to perform? This I do not remember.

Were you so placed that her royal highness saw you at the time as well as Mahomet? I was in such a position, that when Mahomet played his tricks, her royal highness did not see me, but Mahomet saw me, and Pergami saw me.

Was it in a room? No, in a court.

Were there any windows looking into that court? There were all the windows of the apartment.

Where were you placed? I was near the door which leads to the lake?

Were you in the court in which Mahomet was? On the door that leads to the lake.

Where was her royal highness? At the window of her bed-room, or the cabinet, precisely I do not recollect.

Where was Mahomet? He was coming out of the door of the stable alone.

Did Mahomet stand in the court to perform those tricks? Near to the window of her royal highness.

Was the back of Mahomet turned to you? I was by his side; Mahomet was looking at her royal highness. ¶

You were at the same side of the court at which her royal highness was looking out of her window? I was on the same side, for Mahomet was on my left; Mahomet was looking at the window of her royal highness, and this was near the door leading to the lake.

You were at the door on the same side of the court on which her royal highness was looking out at the window? No; her royal highness was on one side of the door, and the lake on another.

Were you on the side opposite to the side where her royal highness was? For instance, that was the door of the stable, that *(at right angles)* was the window, from which her royal highness looked in the court, and I was at the door of the lake, which was that way *(at right angles)*.

From the position in which you stood on the side of the court, you could see her royal highness? More than seeing her; for I was at that door there, and I saw her royal highness at that window there, *(describing them)*.

Did not you swear that her royal highness could not see you at that door? Yes, she could see me, but I do not know whether she did see me?

Who ordered this Mahomet to come and perform those tricks upon that occasion? I do not know.

Then for any thing you know, there might have been some persons in the same room with her royal highness, standing a little way behind her? I could not see; I saw her royal highness looking out at the window, but any other people I could not see; she put her head out at the window to see this Arabian play these tricks.

Did you never see this Arabian play these same tricks on any other occasion? I saw him at Barona.

Was her royal highness present upon that occasion also? With Pergami.

Any body else? The people of the family.

Men as well as women? Footmen, coachmen, kitchen people, scullions, who were there to look at it.

When you left her royal highness's service, you have told us you first went into the service of Odescalchi? Yes.

Were you in her royal highness's family at the time the affair of the Baron Ompteda happened?

The solicitor-general objected to the question, as assuming that some affair had happened, in which the person styled Baron Ompteda was concerned.

Did you ever see the Baron Ompteda? I do not remember that name.

Did you ever, during the year after the long voyage, see a German baron dining at her royal highness's at the villa d'Este? In the house Villani, I saw him.

Then you do know a certain German baron, who used to visit her royal highness? He was a Prussian.

What was his name like, as nearly as you can recollect? I do not remember the name, because it was an extraordinary or unusual name, but he was called the baron, baron, baron, something.

Was this baron, whatever the extraordinary name might be, very frequently at her royal highness's house? Yes, I remember myself well; that I can swear he has come twice to the house Villani.

What makes you recollect this baron coming there? This I do not know.

Was there any affair happened in the princess's family—any thing that made a noise in the family, connected with this baron whatever he was? This I do not remember.

During the time you were in the service of her royal highness at the

Villa Villani, or the Villa d'Este, do you recollect any blacksmith or locksmith being examined there with respect to picking of locks? This I do not remember.

Or about making false keys? This I do not remember.

You never heard of any such thing in the family while you were there? This I do not remember to have heard; I do not remember it.

Do you remember no quarrel taking place between Lieut. Hannam and this German baron while you were there? I have heard that they had quarrelled together, but I do not know the cause of the quarrel.

At about what time did you hear this about the quarrel? I do not remember.

Was it before or after you came from the long voyage? This I do not remember.

About how long? I do not remember.

About how long was it before you left her royal highness's service, was it years or months? I do not remember these things.

Do you mean to say you cannot remember whether it was a week or two years before? I do not remember the time.

Do you recollect what company used to come to the theatre at the Villa d'Este, where you state her royal highness acted twice? This I do not know.

Did you ever see the Prefect of Como, Tomasi and his lady, attend that theatre? This I do not remember.

Professor Mocatti, of Milan, did you ever see him there? I have seen the Professor Mocatti there.

Do you mean visiting at the Villa, or at the theatre? I have seen him come and pay a visit, but in regard to the comedy I have not seen him.

Did you ever see General Bugner the Austrian commandant, there, with his lady? Whether she was his wife I do not know, but I remember to have seen General Bugner come to pay a visit to her royal highness with a lady.

Did you ever see General Pino visit her royal highness? I recollect once, it may have been more, but I remember his coming but once.

Used you to wait at table at dinner? Yes.

Will you take upon yourself to say that you do not know that your old master General Pino dined there more than once while you were in the service of her royal highness? Once alone that I have seen him, I have seen him but once, that I recollect.

Do you know the person of the prefect Tomasi at Como? Yes.

Will you take upon you to say you have not seen him and his lady dine with her royal highness more than once? I do not recollect.

Do you mean that you never recollect to have seen him dine there once, or only once? I remember once alone; it might have been many times, but once alone is what I recollect.

Did not the persons who happened to be visiting in her royal highness's house take part indiscriminately in those plays which were acted at her private theatre? I do not recollect.

Did Mr. Hannam never act? I do not recollect.

Mr. Cavalletti? I do not recollect.

Do you mean to represent, that you never saw any other parts performed upon that stage, except by her royal highness and Pergami? This I do not know; in the moment I entered I saw her royal highness and Pergami, other people I saw not, for I went away; there might have been.

What sort of a comedy were they acting while you saw them? When I was entering the room, I saw Pergami dressed as a sailor, performing the part of a buffoon, with a bladder striking like a fiddler, but then I went away and saw nothing else, because I did not remain at the comedy.

Did Mahomet perform his dance on that stage as an afterpiece? I saw nothing of that.

You say you were four or five months in the family of Odescalchi, when did you go from his service? Not in the service; I was more than five months in the service of Odescalchi.

How long were you in the Marquess Odescalchi's service? Near a year.

Were you all your time in Italy with him? No, I was with him in Germany.

How soon after you went to him did you go with him to Germany? Perhaps two or three months, precisely I do not know; I may be mistaken perhaps; a few days more or a few days less.

How long were you with him at Vienna? Six or seven months, but precisely I do not recollect.

What wages had you from the Marquess? At Milan I had fifty soldi per day, five-and-twenty-pence; at Vienna, four livres of Milan.

How many soldi are in a Milan livre? Twenty.

Was this rise of wages on account of your being living at inns and hotels? Because I was not at my own house, for at my own house I had my own dinner; being on a journey, he gave me four livres a day.

How much wages had you with her royal highness per day? Every three months I received thirty ducats; twenty-nine ducats every three months.

How many livres of Milan is there in a ducat? A ducat contains about six livres and a half of Milan; but I do not know precisely.

Had you with her royal highness these twenty-nine ducats every three months, living all the while in her royal highness's house, and supported at the table? Yes.

Had you any other perquisites or advantages of any sort besides that, when you were with her royal highness? I do not recollect.

Was her royal highness kind to all her servants? She was kind and affable.

At the Marquess Odescalchi's, where you had fifty soldi per day, you had to find yourself, had you not? I had pottage.

Interpreter.—It is not the same as soup, it is a species of hotch-potch, but without meat.

Had you made money, saved a little fortune in her royal highness's service? I had put by seven hundred livres.

What time had you taken to make this; in how many years? Three years.

Did you save any thing afterwards on your fifty soldis a-day, when you were at the Marquess Odescalchi's? I was making economy to save a little money for my family.

What does your family consist of? A wife and two small daughters.

How old are the daughters? One of them is nine years, the other is between two years and two years and a half.

About what time did you quit the service of Marquess Odescalchi at Vienna? About two years ago.

Into whose family did you go as a servant from the Marquess Odescalchi, who hired you after him? The ambassador at Vienna.

Was it the English ambassador? The English ambassador, it was him I went to live with.

What is the name of the English ambassador? Lord Stewart.

Did you go as a postilion and courier, or a lackey to the English ambassador? The Lord Stewart gave me only my subsistence.

Do you mean that you became attached to his embassy, as a sort of private secretary, or what? I was always at the ambassador's, and the ambassador gave me something to live upon.

Do you mean that you were in his house on the footing of a private friend? No, not as a friend.

When did you first see his excellency the English ambassador at Vienna? I do not remember when I saw him; I saw the secretary.

What was the secretary's name? Colonel Dureno. (Durin.)

Was he an Englishman or an Italian? I do not know; I cannot say.

In what language did he talk to you? In French.

Do you know a certain Colonel Brown? I do.

What countryman is he? I do not know of what country he may be.

What language does he talk? In French.

Where did you first see Colonel Brown? At Milan.

Was it while you were in the service of the Odescalchi family? No.

Whose service were you then in? I was serving no one at that time; I had left the service of Erba Odescalchi.

Do you mean that you left the family of Odescalchi for some time, and then went with him on a second hiring to Vienna? No, I left Vienna and went to Milan to Colonel Brown.

Do you mean to Colonel Brown, or with Colonel Brown? I went to Colonel Brown.

Whom did you go with from Milan to Vienna? With my father.

At what time was it you went from Milan to Vienna with the Marquess Odescalchi? On the 30th of August, three years ago.

Do you mean in the year 1817? Yes, I think so.

At what time did you leave the service of the princess? In the year 1817.

In what month of the year? This I cannot remember.

Was it summer or winter? It was during summer; half summer.

How long after you left her royal highness's service, did you go with the Odescalchi family to Vienna? About five or six months afterwards.

How did you return to Milan from Vienna? I came to Milan to Colonel Brown.

Who accompanied you? My father.

It was here remarked by a noble lord that four o'clock, the hour fixed for adjournment, had arrived.

Mr. Brougham said—May I implore your lordships to allow me to proceed? In all courts—I mean in all courts where justice is administered,—I need not have made this humble request; but, acting as a court of justice, I entreat your lordships to beware how you stop short in the middle of a cross-examination. If you are so advised to think fit that I should stop at this critical period of a critical examination, hard as it is, I can only submit. (Cries of *Go on, go on.*)

The Lord Chancellor asked whether it would be finished to-day?

Mr. Brougham answered, that he could certainly finish it; but that there was this difference between an examination in

chief and a cross-examination, that, in the first case, the instructions were written or printed; and, in the last, one unexpected answer (as had actually been the case to-day) might lead to half an hour's digression. (*Go on, go on.*)

Was your father in the service of the Odescalchi family at Vienna? He was not.

How does he happen to come to Vienna, your respectable father? My father came to Vienna to take me.

Who sent him for you? I cannot know that.

What is your father? A carter, a carrier, carrying merchandise with horses.

Does he carry from Milan to Vienna; is that the constant course he makes with goods? No.

How did this carrier happen to set out, to pay you this visit at Vienna? He came to Vienna, to tell me to come to Milan.

Did he come with his carrier's cart? No, no.

At the time that your father came to Vienna, were you in the ambassador's service? I was not.

Were you living in the ambassador's house? No.

Was it during the time that you was supported by the ambassador? No.

In whose service were you? Of the Marchese of Odescalchi.

When your father took you to Milan, did you there see Colonel Brown or Colonel Deering * ? I saw Colonel Deering at Vienna, and Colonel Brown at Milan.

You have seen Colonel Brown, have not you, when you were in the service of the Marchese di Odescalchi? Not during his service, but after my father came to fetch me.

What induced you to leave the service of the Marchese Odescalchi, whom you liked so well as to accompany him to Vienna, and to go back with this respectable old carter to Milan? My father told me to go to Milan together with him, and I went to Milan together with my father.

Did you go to Milan because your father desired you, merely from respect for the orders of your parent? No, he told me that at Milan there was Colonel Brown, who wanted to speak to me.

Did you not humbly represent upon that occasion, that your bread depended upon your place in Marquess Odescalchi's family? Yes.

But still he told you to go and speak to Colonel Brown, and therefore you went with him to speak to Colonel Brown? Yes.

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* We have it "Col. Durin."

Do you go every-where whenever anybody comes to say to you Colonel Brown wants to speak to you; do you immediately leave your place to go to him?

(Cries of "order" prevented the witness from answering this question.)

Mr. Brougham.—I submit that it is a perfectly legal question, such as is put in every court of justice, and such as has led, before now, to the discovery of conspiracies against the lives of individuals. Noble lords and judges are now present, whom I have seen save the lives of their fellow-subjects by such questions, and so put, and who could not have done it if they had been disturbed by cries of "order."

When my father told me so, I went to Colonel Brown directly.

If your father were to go and ask you to speak to Colonel Black, would you go also there?

The solicitor-general objected to the question what the witness would do under particular circumstances; that what his conduct had been, and what his motives were, was proper subject of examination; but not what would be his conduct under certain circumstances.

Did you ever before go, at your father's desire, any where to speak to Colonel Brown, or Colonel any body else? Never, before my father spoke to me, I never went to any place.

Had you ever seen Colonel Brown before you went to speak to him at Milan? Never.

How did you support yourself on the journey from Vienna to Milan to speak to Colonel Brown? My father paid my journey.

Has he made a private fortune by the lucrative trade of a carter or waggoner? No, he has not made a fortune as a carrier.

Has your father any money at all, except what he makes from day to day by his trade? I do not know.

Did your father and you live pretty comfortably on the road from Vienna to Milan, when you were going in order to speak to Colonel Brown? We wanted nothing.

In what sort of a carriage did you go? A carratina, or small calash, a cart.

When you got to Milan, did your father introduce you to this Colonel, to whom you had come so far to speak? Yes.

Did you complain to Colonel Brown of the loss you had sustained by giving up a good master and a good place? I do not remember

Had you made any bargain with the Marquess Odescalchi before leaving here, that he was to take you back when you got back from Milan, after your conversation with Colonel Brown? I do not recollect.

Have you any doubt, that you will state on your oath here, that you made no such bargain whatever with the Marquess Odescalchi? I do not remember.

Have you ever again been in the family of Odescalchi as a servant, since that conversation with the colonel? Yes.

When did you go back to the Odescalchi family? Not in his service, but he was going to Hungary, and he sent for me, to ask whether I would accompany him to Hungary

Did you go with him as a friend, to go to a partie de chasse in Hungary? No, I was asked by the Marquess de Odescalchi, whether I would go with him into Hungary as a cook for three months.

Did you go with him and receive wages as a cook for those three months? He made me a present, I was not at his wages, but he made me a present.

How long were you in Hungary? Three months, or three months and a half.

Was Odescalchi a friend of his excellency the English ambassador, Vienna? I do not know.

Did you ever see the English Ambassador at his house? I do not know.

How long is it since you came back from that trip to Hungary with the Marquess Odescalchi? Last year, after the month of August; I do not know precisely whether it was August or September, but it was between those two months.

From the time you went to Milan to the time you came back to Odescalchi's family, to go to Hungary, how did you support yourself, having ceased to receive wages from him? The ambassador gave me something to live upon.

Did the ambassador give you any thing when you left Vienna, to go to Milan with your father? I do not remember.

Did you and your father pay for your own expenses upon that comfortable journey to Milan, which you took together? My father paid.

Did you travel by post-horses or by Veturina? By post.

Both coming and going back? No.

How did you return from Milan to Vienna? By Veturina.

Who paid for your place by the Veturina from Milan back to Vienna? I and my father.

How did you pay; who gave you the money that enabled you to pay for yourself? Colonel Brown.

Did your father go back to Vienna from Milan with you? Yes.

Is your father in this country at present? Yes.

And your wife? Yes.

And your small family of children? No.

What square or street do you all live in? I cannot tell the name, for I do not know the name.

How did you come down here to-day; did you walk or come in a carriage? On foot.

About how far was it that you came; how many streets did you come? I cannot ascertain the distance.

How many minutes did you take to walk from your residence, or hotel, or house, to the place where you now are? Ten minutes.

Who came with you? I do not know; it was a gentleman who came to call me.

Do your father and your wife live in the same hotel with you? Yes.

And nobody else lives in the same hotel with yourselves, I suppose? Yes.

About how many others may there be? I cannot recollect, I do not know.

Will you swear that there are not seventy of you? I cannot tell, because I do not know the number.

Are they all Italians? I have never asked them; I do not know.

Are there any other Italians but yourself, your valuable* parent, and your amiable wife?

The counsel was informed, that in the opinion of the house, the question was irregular; that it was slanderous.

Are there any other Italians besides your father and your wife? I believe there are some Italians.

Have you any doubt of there being any other Italians besides yourself? Yes, there are some other Italians.

Are there many waiters upon this inn? I do not number them.

Do you know the name or sign of the hotel? I do not know.

The solicitor-general objected to the question, as assuming that the witness was at an hotel, which he had not stated.

Is it an inn at which you lodge? I do not know whether it be an inn.

Is there a sign above the door? I made no observation.

Have they ever brought you in a bill to pay? No.

Have you ever paid any thing? Not yet; but I am to pay.

Are you to pay yourself for your own entertainment at this inn, or whatever it is? This I have not been asked for yet, whether I am to pay; I do not know whether I am to pay.

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* We have it "venerable."

Have you to pay for your entertainment at the place where you are lodging; are you to pay for your own keep? I do not know.

Were you ever in such a place before in your life, where you did not know whether you were to pay for your keep or not?

Lord Falmouth, from the gallery, asked whether the cross-examination was nearly concluded? (Cries of *Go on.*) Supposing that the business would close to-day at four o'clock, he had made a private engagement accordingly, though he was quite ready to sit till six or seven o'clock, if necessary.

Counsel were directed to withdraw.

Lord Donoughmore thought the rule, if made, ought to be adhered to. Nobody could tell whether the cross-examination might not last two hours more. He thought that the witness deserved protection, and that some part of the cross-examination might have been spared. He moved an adjournment.

Earl Grey had seen nothing in the disposition of the house not to give protection to the witness. Very material questions to elicit the truth had been put, and he thought that no rule could be more injurious than one which forced the house to separate at a critical moment, by which the ends of justice might be defeated. If a rule were made, he hoped it would be extended to five o'clock.

The Lord Chancellor was in favour of adhering to the rule. He had not entered the house this morning till five minutes past ten, in consequence of consulting with the judges on a matter of life and death; and their farther deliberation had been postponed until after the adjournment to-day. It was impossible to know what questions might turn out to be material or immaterial. Adjourning at five o'clock would gain six hours in the week, and that he considered a very material acquisition.

The Earl of Liverpool did not object to five o'clock being fixed in future as the hour of adjournment.

The house adjourned at a quarter before five o'clock, with the understanding that in future they were to sit till five.

HER MAJESTY'S PROGRESS TO THE HOUSE OF LORDS.

At half-past eleven her majesty's state-carriage entered the outer barrier in Palace-yard, and proceeded to the House of Lords. Her majesty was accompanied by Lady Ann Hamilton, and was received by the officer and detachment of the guards who were upon duty with every demonstration of respect; they immediately presenting arms, and remaining in that position until her majesty, having alighted, had entered the house by the usual door. She looked extremely well, and was received with the usual affectionate testimonies of that deep interest which her extraordinary situation has so universally excited. A great number of gentlemen pressed round her carriage, in order to manifest the same feelings of sympathy and homage; the expression of which was gracefully acknowledged by her majesty. A few minutes after four o'clock her majesty returned from the House of Lords to her residence in St. James's-square. On entering her carriage, she was cordially and triumphantly cheered by the spectators who had gained admission within the barriers. The crowd assembled in Parliament-street, to witness her departure, was greater than on any of the former days. The result of the cross-examination of the principal witness for the prosecution excited so joyful an interest, that thousands of respectable individuals pressed around her majesty's carriage to express their congratulations and their loyal attachment.

HOUSE OF LORDS.

SIXTH DAY—WEDNESDAY, AUGUST 23.

THE Lord Chancellor took his seat at the usual hour.

The Earl of DARLINGTON rose immediately after prayers. Before their lordships proceeded with the examination of the witnesses, he wished to call their attention to a subject connected with the important business before them. In order to

assist them in accomplishing the object they all had in view, which was the doing of ample justice, it was necessary they should have the means of forming a correct judgment on the evidence It was, therefore, desirable, that their lordships should have before them printed copies of the evidence taken from day to day. However difficult it might be to obtain this evidence, he thought it indispensable ; for it might be necessary for their lordships to ask questions on many points, and he believed few possessed memories capable of retaining the great mass of evidence detailed before them for a length of time. For his part, he declared that he felt himself totally unable to keep the evidence in his mind, so as to avail himself, after a considerable period, of it by recollection. The evidence given by the witness in support of the bill, on the first day, had made, he confessed, a very strong impression on his mind ; but the cross-examination which took place yesterday had, on the contrary, tended very much to diminish that impression. [Here there was a loud cry of *Order, Order,* from part of the house.] He wished their lordships to understand that he made this observation by way of illustration, to shew the necessity of their having the evidence printed from day to day, and laid before them. After the counsel on each side had examined a witness, certain noble lords might wish still further to complete that examination by questions of their own. This could not well be done unless they had before them, every morning, the evidence of the preceding day. It would probably be stated, that it would be difficult to get the evidence printed in this way ; but this objection, he thought, could scarcely be made, when their lordships saw what was done by the newspapers. Very much to his astonishment, he had seen, both yesterday and to-day, the whole of the evidence of the preceding day published at length. He could not be certain that the evidence was always thus given without the alteration of a single word ; and it might be said that their lordships ought to have a vouched copy ; but as so much was done in the newspapers, he thought there could be no difficulty in get-

ting it detailed in the same manner for the use of the house. He would therefore move, that minutes of the evidence be printed for their lordships from day to day.

The Earl of LAUDERDALE suggested the propriety of their lordships having before them plans of the places alluded to in the evidence. It would facilitate the investigation very much if the different parties would agree on a plan, or, if that could not be done, each might give in a plan.

Lord ERSKINE said a few words, and, as we understood, approved of each party giving in a plan.

The LORD CHANCELLOR said, that, however desirable it would be for their lordships to have on the table, every morning, printed copies of the proceedings of the preceding day, it would be necessary, before their lordships came to any resolution on the subject, to consider what steps must be taken for accomplishing such a purpose. Unless they departed from their rule, that whatever was printed for the use of the house must be held to be correct on the responsibility of the clerks, he did not see how the printing could take place. With respect to the publications to which the noble lord had referred, it was easy to understand how persons who might obtain admission there could, by retiring every quarter of an hour, or every half-hour, in succession, be enabled to give an account of the proceedings. But if that method were taken for the house, the short-hand notes of the reporters must be compared with the notes of the clerk, and the copy authenticated by him as correct. After all the experience he had had in matters of this kind, he doubted whether any utility which might be obtained from having the minutes printed from day to day would be a compensation for the departure from their lordships' rule.

The Earl of LIVERPOOL agreed with the Lord Chancellor that the advantage of receiving minutes of evidence daily would not be equal to that of the certainty of having it accurately printed.

The Earl of LAUDERDALE thought that the form of au-

thenticating the copy at the parliament-office might be dispensed with.

The Earl of Darlington, in consequence of the objections to his motion, withdrew it.

The house being called over, counsel were introduced; then Theodore Majocchi was again called in, and further cross-examined as follows by Mr. Brougham, through the interpretation of the Marchese di Spineto.

Do you recollect a German baron visiting the princess of Wales at Naples? I do not recollect *(non mi ricordo.)*

Do you recollect a German baron visiting the princess of Wales at Genoa afterwards, on her way from Naples to Milan? I do not recollect *(non mi ricordo.)*

Did any German baron visit the princess of Wales at the Villa Villani, during her residence there? There was a baron whom I think to be Russian, who twice paid his visits, but I do not know what name he had, and this is the same which was mentioned to me also yesterday.

Was the name of that person Ompteda or Omteda, or any name sounding like that? Precisely I cannot recollect the name by which he was called, for it was an extraordinary name, or unusual name.

Are you sure it was not Baron Pampdor? I do not recollect *(non mi ricordo.)*

Do you recollect that baron, whatever his name was, at the Villa Villani more than once? Once I remember; more I do not remember.

Had he not a servant with him, who used to live with the other servants of the house? I remember he had a servant, but whether he lived with the servants of her royal highness I do not recollect.

Was there not a room in the house of her royal highness at the Villa Villani, which was called the baron's room, giving it the extravagant name whatever he had? I do not remember this *(questo non mi ricordo.)*

Do you recollect a thunder-storm upon the lake, in which her royal highness's party of pleasure was exceedingly wet? I do not remember this *(questo non mi ricordo.)*

You have said that in the house at Naples the rest of the suite of her royal highness, except Pergami, slept in another part of the house from her royal highness? I do not remember whether the other family slept separate or distant.

Do you now mean to say that the rest of the family of the suite, excepting Pergami, did not sleep at a distant and separate part of the house? I remember the position of the bed-rooms of her royal highness and Pergami, but those of the family I do not recollect.

Then you do not recollect now, and you will not swear now, that the rest of the suite of her royal highness did sleep apart, at a separate part of the house? I remember well where her royal highness and Pergami slept, but as to the rest of the family I do not recollect where they slept.

Was not this question put to you the day before yesterday, "Did the other people of the suite sleep in that part of the house, or at a distance?" I remember the position where her royal highness slept.

Answer the question put to you; was not the following question put to you the day before yesterday, "Did the other people of the suite sleep in that part of the house, or at a distance?" Yes, it is true.

Did you not give to that question the following answer: "They were separated?" I said they were separated, but I meant that they were so situated that they could not communicate together; I meant to say, that they could not communicate together.

Did you mean by that, that there was no passage, no way by which a person could go from the room of her royal highness to the rooms of those others of the suite?

The solicitor-general, on reference to the minutes, stated, that the former answer of the witness was that they were separated.

Mr. Brougham knew that perfectly well, and he had so stated it. His learned friend seemed to triumph in a mare's nest which he thought he had found.

After some further observations, in the course of which Mr. Brougham read the answer which had been given by the witness,

The Lord Chancellor said, that the proper way was to tell the witness what answer had been given, but to put a question upon it.

Mr. Brougham said he had put the question in that way. He had stated that the word interpreted was "separated;" but he had five or six witnesses, whom he could call if necessary, to prove that Majocchi did not say "separato," but "lontano," which means at a distance. He was, however, perfectly satisfied to take "separato."

The solicitor-general objected to this course, as an interpreter had been sworn, and given his interpretation. If his learned friend had wished to take any objection to the translation, he apprehended he was bound to do so at the time, and

before that translation was recorded. His learned friend was not warranted in making it the subject of observation now.

Lord Redesdale thought that some difficulty arose from the interpreter finding it necessary to repeat Mr. Brougham's questions in various ways to the witness, and suggested that the question, as taken down by the short-hand writer, should be read to the witness, and that the interpreter should then translate his answer literally.

Here Mr. Gurney read from his notes the question put the day before yesterday, respecting the situation of the bedrooms at Naples.

The interpreter was directed to be as precise as possible in his translation.

Do you mean to represent that there was no way of going from the princess's room to the rooms of the rest of the suite, except by Pergami's? What I remember that I have seen no passage.

Do you mean to represent, that there was no way of getting from her royal highness's room to the rooms of the rest of the suite? I have seen no other, I have seen no passage.

No other passage than what passage? I have not seen any passage that led from the room of her royal highness to that of the family, I have seen no door except that which led into that of Pergami.

Do you know where the rest of the family, in point of fact, had their rooms? I do not remember that.

Will you swear that the rooms of Hieronimus and Doctor Holland and William Austin were not close by the room of her royal highness? This I do not recollect.

When you went from Vienna to Milan with your father, where did you lodge? At my house at home.

How did you support yourself? With my money.

How long did your own money last? I do not remember how long it lasted me.

Did anybody give you any money there? I do not remember; when I left Vienna I received money, but after I had left Vienna nobody gave me money, for I must speak clearly or openly.

Did any body give you money at Milan, after you had got there? I remember that they did not.

Mr. Brougham said, that, in fairness to the witness, this answer must not be taken in the sense of his *non mi ricordo*; it meant literally, "I recollect not," by which he meant to say that nobody gave him money at Milan.

How long did you remain at Milan at that time? Precisely I do not recollect, but I think I remained between the space of eighteen and twenty days.

When you had returned with your father to Vienna, did you not yourself pay for the veturina who carried you back? Yes, I did pay the veturina back.

Who gave you the money at Vienna before you set out for Milan? Colonel Brown.

At Vienna? Colonel Brown gave me the money to go to Vienna.

Who gave you the money at Vienna to go to Milan? My father paid for my journey; this I do not remember; but I know well that my father paid for my journey.

Who gave you money at Vienna before you set out?

The solicitor-general objected to the question, as assuming that some person gave him money at Vienna.

Mr. Brougham observed, that it appeared from his former examination he had received money, and referred to the notes.

The preceding questions and answers were read, in which it was admitted by the witness that he had received money at Vienna.

Who gave you money at Vienna before you left it? My father paid the journey; nobody gave me money: my father paid me my journey, and I remember that nobody gave me money.

How soon after you got to Milan did any body give you money? Nobody gave me money when I arrived at Milan: when I arrived at Milan nobody gave me money.

While you remained at Milan did any body give you money? I remember not: I remember that nobody did: I do not know.

What is the answer yon mean to give? I remember to have received no money when I arrived at Milan; *ricordo di no; mi ricordo che no,* I remember I did not: *non so*; I do not know: *più no che si*; more no than yes: *non mi ricordo,* I do not remember.

The Earl of Rosebery said, that it was most essential that the house should understand what the meaning of *ricordo di no* was; whether it was that the witness did not remember a certain event, or that he remembered that no such thing occurred.

Lord Longford begged that the last answer given by the witness should be repeated to him by the interpreter, from the short-hand writer's notes.

The Marquis of Lansdown thought the better course would be for their lordships to leave the questions as they stood upon the cross-examination, and afterwards, when the regular time came for their scrutiny, to put such questions as they pleas d.

The Lord Chancellor said, the usual practice was, for the counsel in support of a measure to examine first, then the counsel at the other side to cross-examine; the former again to re-examine, and finally their lordships.

Lord Longford explained that the only reason he wished the answer read to the witness was, to apprize him of what he had stated, and see whether he understood his expression accurately. The witness was, of course, the only person present who knew nothing of the particulars of whatever discussion took place among their lordships in a language which he did not understand.

Mr. Brougham stated, that he and the learned counsel who acted with him were most anxious to attend scrupulously to the rules and practice as laid down and acted upon in courts of law. These rules and practices had been, with his usual accuracy, laid down by the Lord Chancellor: and he hoped he might be permitted to implore their lordships to suffer the expressions used by the witness to stand as they were disclosed upon the cross-examination. When the counsel at both sides were done, it would, of course, be open to them to elicit any explanation they thought proper. Cries of *Go on.*

The Lord Chancellor.—Mr. Brougham proceed with your cross-examination.

Mr. Brougham.—My lords, I have done with the witness. I have no further questions to ask of him. In a common case I should certainly be satisfied with this examination. In this case I have certainly no reason to ask him a single question further.

RE-EXAMINED BY MR. SOLICITOR-GENERAL.

Did your father conduct you from Germany to Milan, for the purpose of your being examined as a witness with respect to the conduct of the princess of Wales?

Mr. Brougham objected to the question as leading.

Mr. Solicitor-general.—Upon your arrival at Milan, to which place you say you were conducted by yonr father, were you examined as to your knowledge of the conduct of the princess of Wales during the time that you were in her royal highness's service? I was.

Had you any other business in Milan? No.

Where, after that examination was done, did you go to? To Vienna.

When you were at Milan, before you were about setting off on your journey to return to Vienna, do you recollect having received any money or not? Before my setting out for Milan, yes; before my departure.

For what purpose did you receive that money? To make my journey.

Did you receive any money before you received that money for the purpose of enabling you to make your journey. I do not remember.

What do you mean by "Non mi recordo?" When I say, "Non mi recordo," I mean that I have not in my head to have received the money, for if I had received the money I would say yes; but I do not remember it now, but I do not recollect the contrary.

The interpreter sworn on behalf of her majesty was informed by their Lordships, that the house expected him to interpose whenever he apprehended that the interpretation given by the other interpreter was not correct.

Mr. Solicitor-general.—You have stated that after this examination, you returned to Vienna; who sent you there? Colonel Brown; he sent me from Milan to Vienna.

Who sent you from Vienna to London at this time? This I cannot say, for a person came to fetch me and tell me to come from Vienna to London.

Did that person come with you? This person has conducted me to London.

After you had arrived in London, did you go over to Holland? Yes, I set out for Holland.

Did you remain in Holland with the other witnesses?

At this time, half-past eleven o'clock, her majesty, attended by Lady Ann Hamilton, entered the house, and took her usual seat in front of the bar. The peers rose from their seats as her majesty approached hers, and the queen made her obeisance in return for this mark of respect. Her majesty looked emarkably well, and surveyed the witness with attention.

Mr. Brougham submitted to his learned friend whether anv

thing in his cross-examination justified this close re-examination respecting where the witness was in Holland, how he came from thence to England, and who accompanied him.

The solicitor-general repeated, that the object of his learned friend's cross-examination was with the palpable view of discrediting the conduct of the witness. He thought he had, therefore, a right to examine the witness so as to place his conduct in a clear point of view. He was justified in taking this course, both on the rules of law and of common sense, and had a right to follow the witness in his journeys backwards and forwards up to the moment he found him here.

The Lord Chancellor was of opinion the solicitor-general had a right to pursue his re-examination.

Mr. Brougham said, that he had objected more on account of regularity than upon any importance which he attached to the mode of re-examination about to be pursued by his learned friend. He again said he had not put a single question to this witness respecting his journeys, save the journey from Vienna to Milan and back again. He had said not one word about his going to or coming from Holland. He certainly had examined him touching what happened in London. If it were in this way open to a counsel, merely because one question was asked respecting a part of a witness's journey, to go through the whole of that journey in a re-examination, then there would be no end to a waste of time—the whole of a witness's birth, parentage, and character.

After a few words from the Earl of Liverpool, which were not distinctly heard below the bar,

The Lord Chancellor said, that whatever difference there might or might not be on the rules of evidence in the courts below, or the forms of parliamentary proceedings, certainly the person who had the honour of now addressing their lordships was strongly influenced by his judgment to say, that the nearer their lordships followed the rules adopted by the courts below, the better. When he conjured them, therefore, to adhere to the rules of the courts below, he was ready upon his

solemn honour to give his opinion—an opinion which, he believed, had the concurrence of the judges near him—that this inquiry of the solicitor-general ought to go on.

The question was proposed to the witness.

Yes.

Mr. Solicitor-general.—To the best of your recollection, how long did you remain there? Twenty or twenty-five days; I do not precisely recollect.

Did you afterwards come over to this country with the same persons? No.

Did you come to this country with those persons with whom you were living in Holland? No.

Did you come over to this country with those persons with whom you were living in Holland? No, others had remained in Holland; I am not come with all.

If you did not come with all of them, did you come with some of them? With some of them.

Did you come in a vessel up to London? Yes.

Did you land with the same persons in the neighbourhood of this place? Yes, the same persons with whom I came from Holland have landed at the same dwelling where I am.

Is that near this court? Yes, it is.

Have you all remained there from that time to the present? Yes.

Have you come from that place for the purpose of giving evidence here? Yes.

Have you all dined at the same table? Yes.

On board the polacca, at the time when the tent was raised, were Mademoiselle Dumont and Mademoiselle Brunette on board? I do not remember that.

Do you know Mademoiselle Dumont? I know her.

Was she on that voyage? Yes.

Did you see her from time to time? I saw her.

After the vessel left Jaffa, on the voyage back to Sicily? She followed the journey; the voyage.

And the Countess Oldi also? Until her royal highness landed, the Countess Oldi followed also.

Was the sleeping-place of these women below deck?

Mr. Brougham objected to the question.

Mr. Solicitor-general.—Do you remember where the sleeping-place was; whether above or below the deck?

The counsel were informed, that it was the wish of the

house that the counsel, on original and re-examination, would put their questions generally so as to avoid objection.

Mr. Solicitor-general.—Was Mademoiselle Brunette on board during the voyage? Yes.

With respect to the Villa d'Este, you have told us there was a passage contiguous to the apartment of the princess; was there any door at the extremity of this corridor? At the end of this corridor there was a wall on the left; there was a cabinet of her royal highness.

Do you remember whether, in going into that corridor, there was a door to close the corridor if necessary? Yes, there was a door which shut up the corridor; and when that door was shut there was no way of going into the room of her royal highness.

When that door was shut, so as to prevent persons from going into the room of her royal highness, did it prevent any person in the bed-room of Pergami from passing into the bed-room of her royal highness? When this door was shut, as far as I recollect, there was a passage by which people might pass from the room of Pergami to that of her royal highness.

You have stated, that besides the approach to the bed-room of Pergami at Naples, through the small cabinet in which you slept, there was a small door in that bed-room of Pergami? In the cabinet there was a door which led into the room of Pergami.

Was there in the room of Pergami another door? Another door by which Pergami came himself.

Where did that door open to? I will go into the room of Pergami; I mount the stairs and turn to the left, I cross the room where her royal highness dined, and there was a small corridor, and on the left there was the door of the room of Pergami.

Was that door near the dining-room in which the princess and her suite dined? In the middle there was this small corridor.

Between the two, do you mean? Yes, between the two rooms; at one end of the dining-room there was this small corridor, and on the left there was the room of Pergami.

Was that the room where the princess and her suite dined, and when the servants attended? It was.

How long did you remain in the service of her royal highness? Three years.

Were you dismissed from the service of her royal highness, or did you go away of your own accord? I asked once for my dismission at Rome, and twice at Pesaro, and the second time Pergami granted it to me

At the time when you left the service of her royal highness, did you receive from her royal highness any certificate of your good conduct?

Yes; I had it not in the hand-writing of her royal highness, but there is her seal; Scavini wrote the paper.

Have you got that certificate about you? Yes; here it is.

The witness put his hand in his pocket, took out some papers, and opened one, which was of the size of an ordinary sheet of paper; a small red seal was attached to it. He then repeated, "Here it is," holding it up at arms' length, and moving it round so as to exhibit it to the whole house.

The solicitor-general was in the act of handing the paper to the interpreter, whom he desired to translate it, when

The Marquis of Buckingham rose, and said, that it would be quite impossible for their lordships to understand the nature of the evidence already given, with accuracy, unless they were furnished by the counsel at both sides with some plan or plans of the apartments to which the evidence referred.

The Lord Chancellor thought the better way would be for the counsel at each side to agree upon one plan for the information of their lordships. And if they do concur in delivering in such a plan, let it have no denomination of rooms; but let the apartments be marked 1, 2, 3, or 4; let there be no other exhibition of particular description except what is furnished by evidence. The plan should be produced to-morrow morning.

The Earl of Liverpool thought the sooner it was produced the better.

The solicitor-general said that he had a plan of the principal rooms ready, but it was open to the Lord Chancellor's objection as to the description of the apartments. One, merely numerically described, could however be put in to-morrow morning, which he had every reason to believe would be found properly accurate.

Mr. Brougham said that he felt great difficulty indeed in acceding to the production of a plan in this stage of the proceeding. When their lordships recollected that these plans must necessarily embrace descriptions of ships, palaces, houses, inns, and other places, in so many countries and parts of Europe, they must at once be struck with the difficulty of compliance. The plans, even with the numerical arrange-

ment, might lead to serious injustice. He must, indeed, be an uncommon framer of a plan, who could so arrange it as that it would not at once furnish the witnesses with the relative position of all the rooms they had to describe, and at once enable them to reconcile their evidence to the actual description. He begged to apprize their lordships that he meant to regulate his evidence principally, or at least a great deal, upon the description of the houses given by the witnesses at the other side. Now, how could he do this with effect, if he were obliged now, at the outset, to produce a full plan? The publication of the evidence, morning after morning, was not calculated to promote the justice of the case; but from the circumstance of so many of the witnesses being foreigners, the language of that publication was not understood by them, and consequently full information of what was passing was not received in such a quarter. But much more information would be given by a plan. Any man, whether he understood English or not, if he had eyes, must understand a plan. While the publication went on, and the language was not understood, the witnesses were nothing the wiser, but a plan at once put them in possession of all. There was an end at once then to "*non mi ricordo*," (a laugh); that vanished at once, and the tutelary saint of the plan settled every thing. If the plan were indeed ordered to be drawn up from the description of the evidence as already given before their lordships, then he could have no objection to such an arrangement; but he could never consent to the universal circulation of such a plan as that called for, in the present stage of their proceedings.

The Lord Chancellor.—No plan can be delivered in until it is proved to be accurately correct. Their lordships had a right to the production of such evidence as they may require for the elucidation of the cases. The better way would certainly be for the counsel at both sides to agree to a plan. If this convenience cannot be accomplished, then the solicitor-general can put in his plan, and prove its accuracy. That some correct plan should be produced is, I think, actually necessary at both sides for the justice of the case.

The solicitor-general promised to produce one to-morrow

morning, and was then proceeding to call upon the interpreter to translate the paper which the witness displayed in his hand, when

Mr. Brougham again interposed and said, that he saw no reason why this paper should be produced in evidence. He had never said that the witness was dismissed from the princess. He had never impeached his competency to fill his place as a servant. He was indeed ready to admit that he was kept because he was found to be a good travelling servant. Let him have this character up to the latest moment he was in the princess's service.

The Solicitor-general was of opinion, that, so far from his learned friend having made any such admission before, the whole object of his cross-examination had been to cast imputation upon the witness's character as a servant. Did he not begin by impeaching the manner in which he left the service of General Pino, about some horse? Did he not afterwards attempt to stigmatize him as one of a gang of some persons who had clandestinely got into the house? And did he not afterwards, for the purpose of creating an unfavourable impression against him, attempt to show that he had applied for permission to return to his place, but was not admitted? Independent of these three facts, the whole course of his cross-examination had the same tendency. It was, therefore, but justice to the witness to have his general character set right. He therefore, in furtherance of that purpose, now offered the evidence of one of the parties interested in this case, to show in what light the witness's character was held by that party.

Mr. Brougham repeated, that he had never impeached the witness's general character as a servant, nor had he ever denied that he had voluntarily left the service of the Princess. The first observation he had made referred merely to the witness's leaving General Pino. If his learned friend confined his re-examination to setting that point right, then all was well. He never said that the princess had dismissed the witness. Besides, this paper was not in the hand-writing of

her royal highness. The witness himself said it was written by Scavini.

The Solicitor-general observed he was the major domo of the household.

Mr. Brougham.—But it does not follow that all he writes is, therefore, true. There is no evidence yet to give him this authentic power of acting for her royal highness. As to the seal, the princess's seal might have laid on the dressing-room or dining-room table, and been affixed by any body to any instrument. How did that prove it the act of her royal highness?

The Lord-chancellor stated that there were two questions:—First, whether this was authenticated to be the act of the illustrious personage implicated in the inquiry:—Secondly, whether, if so authenticated, it could be received in evidence: That upon the latter question he did not understand there was any doubt in the minds of the learned judges, and there was none in his own; but that he did entertain a doubt whether it must not be proved that the person who put that seal had some authority to do so, before it could be read.

Mr. Solicitor-general.—Do you remember Scavini? I do.

What situation did he hold in the household of the princess when you left? Equerry marshallo.

What do you mean by marshallo? The person who commands.

Had he the general management of the house? To command; I do not remember.

Where was the princess at the time when Scavini gave you this character?

Mr. Brougham objected to the translation, as implying that it was a certificate of good character, whereas the contents were not at present before their lordships.

The Lord-chancellor stated, that if it was written by any person shewn to have been authorized by her royal highness, then it would be permitted to be read.

Mr. Solicitor-general.—Can you say whether Scavini had the general management and superintendence of the servants of the household? I do not know who commanded, for Pergami commanded, Scavini commanded, both commanded; it was impossible for me to know which of the two commanded, who was the superior commander; Pergami

came and commanded, Scavini came and commanded; all commanded.

One of their lordships intimated, that the word servants had been translated "Le Courte," and the interpreter was asked whether that would include the personal attendants on her royal highness.

Marchese di Spineto—It would include the whole of the establishment of a person of the rank of her royal highness.

This was acquiesced in by Mr. Cohen.

Mr. Solicitor-general.—Who, at the time you left the service, had the immediate superintendence of the servants? This I do not remember.

Did you apply to Scavini to give you this paper?

Mr. Brougham objected to the question.

The Lord-Chancellor intimated, that applications to Scavini, unless the evidence should be carried further, would be useless; that the counsel who offered it must at all events prove that Scavini was in the habit of giving similar testimonials to other servants.

The Solicitor-general withdrew the question, stating that he was not able at present to carry it further.

EXAMINED BY THE LORDS.

The Lord Chancellor.—Has any noble lord any questions to ask of the witness at the bar?

A noble Lord.—You state that in the voyage from the east to Terracina, there were tents put on the deck of the vessel; what sort of weather had you? I do not remember: *non mi ricordo.* (A laugh.)

Lord Ellenborough.—How was her royal highness dressed when she passed through the cabinet to Pergami's room at Naples? I do not remember. *(non mi ricordo.)*

Earl Grey.—Did you see her royal highness distinctly on that occasion? Yes.

But you do not know how she was dressed? I do not remember what dress she had.

Were you yourself in bed? Yes.

You were understood to say that her royal highness went and looked at you? Yes.

Did you pretend to be asleep at that time? As I am now asleep.

Interpreter.—He means that he was awake.

Earl Grey.—Did you pretend to be asleep? Yes, I feigned to be asleep.

Did you shut your eyes? Yes; a half: by shutting the eyes no one can see a person.

You shut them just enough to make her royal highness think you were asleep, but not enough to prevent you seeing her? Yes.

You stated that you left General Pino's service at the blockade of Mantua? From the blockade of Mantua? that is, before shutting the gates of Mantua.

Did you leave General Pino's service voluntarily, or were you dismissed? I remember to have asked my dismission from the adjutant Lunardi, and he told me he could not grant me my discharge until General Pino returned from Milan.

What did you do in consequence of that order? I continued to remain in his service.

Did you remain till the return of General Pino? I did.

On his return, did General Pino give you your dismission? The adjutant came and told me I was now at liberty.

Did you get a certificate of service from General Pino? No; because I did not even ask for it.

Where did you go immediately from the service of General Pino? To Milan, to my family.

How long did you remain at Milan? I do not remember the time.

Did you remain out of service while you were at Milan? Out of service.

How did you maintain yourself during that time? In getting some money by buying and selling horses; in making horses to be bought, and horses to be sold.

When did you leave Milan? I do not remember when I left Milan.

Where did you go when you left Milan? To Vienna, during the time of the congress.

How did you go to Vienna? I had a horse of my own, and, with two of my companions, we put some money together, and bought a caretta, (a species of small cart), in which we travelled together.

What was your object in going to Vienna? To see whether I could find some place to get a mouthful of bread; to get my bread.

[Here Lord Erskine rose to make some observations, but they were wholly inaudible, from the low tone of voice in which his lordship spoke, below the bar. The Lord Chancellor desired the short-hand writer to refer to his notes, from which he read an extract relative to the voyage from Jaffa to Terrachina.]

A Peer from the gallery, on the ministerial side, observed,

that the three voyages to which the noble lord (Erskine) had alluded, did not include that from Jaffa to Terracina; but were these, as he understood them—the voyage from Augusta to Tunis; that from Tunis to Constantinople; and that from Constantinople to Palestine.

Lord Darnley.—You state that Pergami was in the habit of dining with her royal highness, having commenced at Genoa, and continued always afterwards; you have also stated that Lady Charlotte Campbell joined her royal highness at Milan: did Lady Charlotte Campbell ever dine with her royal highness at the same table with Pergami? This I do not recollect.

Marquis of Buckingham.—You have stated that when on board the polacca you saw Pergami hand down the princess to the place prepared for the bath? I did.

Did you see Pergami and the princess enter the cabinet in which the bath was prepared. I did.

You have stated that you handed down two buckets of water to Pergami for the bath, and that Pergami received them? I carried two pails of water to the door of the bath, and Pergami came out and took one of the pails; I do not know whether it was hot or cold.

Did you see the princess when Pergami took the pails from you? No; because she was within, and I did not see her.

You say there was another cabinet within the dining-room besides that provided for the bath? I do not remember whether there was another cabinet.

Then the following questions put to the witness, and his answers to the same, were read from the minutes of yesterday:—

"Was not the bath taken always, when taken, in the dining-room itself? Not in the dining-room, but in the room next to it.

"What do you mean by the room next to it? A small room.

"What do you mean by the other small room, where was that placed? Another small room that was on one side.

"Do you mean, that after you entered from the fore part of the vessel, where every body slept, into the dining-room, that within the dining-room there was another small room entering into it? As soon as you enter the dining-room there was a small room where the princess took the bath."

Was there another small room within the dining-room besides that used for the bath? I do not remember. *(Non mi ricordo.)*

When the princess and Pergami descended to go into the place destined for the bath, did you see the Countess Oldi? I did not see her

Did you see any of the female attendants of the princess? I did not see any.

Did you see any of the female attendants of the princess on that occasion on the deck of the vessel above, when they descended below? I did not see any myself.

Earl of Carnarvon.—You have mentioned a tent having been erected upon the deck of the polacca; was that a double tent? I do not remember whether there was one or two, but I know well there was this tent where her royal highness was.

Did that tent cover the whole deck, or was there room to pass by the side of it? There was room for people to pass.

Do you know whether any person slept in that space left? I do not remember I had seen any person.

Marquis of Buckingham.—At what time of the day was this bath taken on board the polacca, morning or evening? About noon? somewhat before dinner.

Was Pergami dressed or undressed when he received the buckets of water from you? He was dressed.

Viscount Falmouth.—You have stated, that at the Villa Villani you remember the princess to have given a blue silk gown to Pergami? Yes, a blue silk gown.

How do you know that the princess gave Pergami that blue silk gown? Because I saw it afterwards upon the back of Pergami. *(A laugh.)*

The former question was, "Do you remember the princess giving that blue silk gown to Pergami?" and the answer was, "Yes." How do you know the fact that it was given to him by her royal highness herself? Because he told me that her royal highness had given him this dress? he, he himself told me so.

Earl of Oxford.—You have said, that you saw the princess and Pergami in the cabinet on board the polacca, but that you did not see the princess when you brought in the water; when was it you saw the princess in the cabinet? When the bath was ready he went up stairs, took her royal highness, brought her down into the room, and shut the door.

Lord Duncan.—To a question put, "Do you know whether, at the time you took the water, the princess was actually in the bath or not?" you have stated, "That you cannot know." To another question, "Whether the female attendants were upon the deck?" you have answered, "That you did not see them." Can you swear that none of her female attendants were at that moment in the bath-room with the princess? Yes, I can swear to having seen nobody go into the bath-room of her royal highness.

Were you actually in the room, or merely at the outside of the door of the cabinet, or the door of the inner room? I was at the door when Pergami went up stairs to tell her royal highness that the bath was ready; when they came down, Pergami told me, "Be at the door, for if there be any need of water you shall give it to me."

At which door was it, at the outer door or the inner door, that the two pails of water were given? At the door of the bath-room itself.

Earl Grey.—Could you, in the position in which you stood at the door of the bath-room, see every body that was in that room? When it was open I could, but when it was shut I could not.

Will you swear there was nobody in that bath-room except the princess and Pergami? I can swear and I do swear, that there was no other when Pergami and her royal highness came into the room, because I put myself at the door.

Do you mean positively to swear, that you saw nobody else go into that room, or that nobody else could be in that room without your knowledge? I have seen no other but her royal highness and Pergami.

Was it possible for any other person to be in that room without your seeing them? No, that cannot be, for if there had been another person, I should have seen her, and I swear it.

Lord Auckland.—Did you remain in the outer room during the whole time that the princess and Pergami were in the inner room? At the door with the two pails of water.

The *Lord Chancellor.*—The witness yesterday stated, on being asked where the bath was prepared, that he prepared it in the cabin of her royal highness. He was then asked who assisted her to the bath. He says, that he first carried the water into the bath, and then called Bergami, who came down and put his hand into the bath to try the temperature of the water; that Bergami then went up stairs and conducted her royal highness down; after which the door was shut; and then Bergami and her royal highness remained alone in the cabinetto together. Now I wish him to be asked, whether he was in the cabin while Pergami went up to bring her royal highness down? and, while he was so in the cabin, at the time the door was shut, any one entered the cabinetto but her royal highness and Bergami?

[The interpreter here translated to the witness, from the

short-hand writer's notes, the part of his evidence referred to, together with his lordship's question; but it seemed impossible to render himself intelligible to the witness. The interpreter requested to be allowed to divide the question into three parts; and having been re-stated by his lordship, he said]—There was nobody: I saw nobody.

Was there any person in that room when he brought the princess down? No.

Or when the door was shut? No.

Earl Grosvenor.—Was there any other door by which persons could go into the room where the bath was placed? I had not seen any other door.

Was there or was there not? I had not seen, if there was any other.

Will you swear there was no other? I have not seen, and I swear that, because I have not seen any door but that.

The Lord Chancellor.—If there was any other door into the room where the bath was prepared, must you have seen it? If there had been another door I must have seen it; but I have seen no other door.

Lord Auckland.—Did you see the princess and Pergami quit the bath-room? No, but I have seen Pergami come out of the room to go on deck, to call the maid to come down and dress her royal highness, and I have heard, with my own ears, when he said, "Mademoiselle Dumont, come down to dress her royal highness."

Leaving her royal highness by herself in the bath-room? Alone in the bath-room.

What was your position when Pergami left the bath-room? I was still there with the hot water, because I thought that they still might need the hot water.

Could you at that time see into the bath-room? When Pergami went out, he went out sideways, and immediately shut to the door.

How long had Pergami and the princess been in the room before Pergami went to call the maid? About half-an-hour.

Marquis of Huntley.—Was Pergami on retiring from the bath-room dressed in the same way as when he handed the princess in? He was.

Earl Grey.—Did you remain with the warm water at the door of the bath-room, when Pergami went to call the maid to dress the princess? I remained there till he told me to go away.

When did he tell you to go away? When he went up to call Mad moiselle Dumont, he told me, now no more water is wanted.

Did you go away immediately, or did you wait till Mademoiselle Du-

mont came down stairs? Pergami remained up, Mademoiselle Dumont came immediately *(subito)* down, and I took my pails and went away; and I saw Mademoiselle Dumont alone enter the bath-room.

Do you know how long the princess remained in the bath room, after Mademoiselle Dumont went to her? I cannot know it, because I went away about my business.

When Mademoiselle Dumont came down, Pergami did not come with her? No; I saw only Mademoiselle Dumont.

Lord Anson.—Being asked, (p. 179.) "Do you remember at any time when the princess and Pergami were below in the room for the purpose of taking a bath, being called to supply any additional water," to which you answer, "I do remember, two pails, one of hot and the other of cold water;" upon receiving those orders, did you go any where to get that water, in order to have it ready at the time that Pergami might call for it? No, I went no where, because there was a sailor who gave me the water at the door of the dining-room.

Then you received the water at the door of the dining-room, not the door of the bath-room? The sailor came as far as the door of the dining-room, and brought the two pails; and I took these two pails and carried them to the door of the room where the bath was.

Did you receive the pails in the dining-room, or did you go to the outside of the dining-room door, to take those two pails? At the door of the dining-room; I did not go out of the room.

How did the sailor know that this water was likely to be wanted, on Pergami desiring you to have it ready? Because the sailor had got ready the bath in the room, and it was said her royal highness was going to take the bath.

Earl of Darnley.—You stated that a tent was placed on the deck of the polacca; what was the nature of that tent; was it that commonly called tent or merely an awning? It was a tent which was spread on the deck by the means of a rope, and then in the evening it was closed as a pavilion, as a closed tent, it was closed all round; in the evening this tent was let down and was closed all round; and they said, "Stop it well, stop it all round; see that there be no hole, no opening."

Was it single canvass? Sometimes it was a single tent, sometimes other pieces of canvass were put round to stop the openings.

Earl Grosvenor.—By whom were you recommended to the service of her royal highness? By Bartolomo Pergami; that I remember.

Earl Grey.—Do you know that the princess was in the bath before Pergami left the bath-room to call Mademoiselle Dumont? This I cannot know, whether she was in the bath, because I did not see into the bath-room.

The Marquis of Lansdown.—You have stated that when you were

at Rome you asked for your discharge, but did not obtain it; and that afterwards at Pesaro you asked for your discharge, and did obtain it. What was your motive for wishing to be discharged from her royal highness's service? Because her royal highness was surrounded by bad people. *(A laugh.)*

The Earl of Carnarvon.—How was her royal highness dressed when she went into the bath-room with Pergami? As far as this goes I do not remember. *(Non mi ricordo.)*

Was it an ordinary dress, or a bathing dress? This I do not remember precisely either, what dress she had.

What was the size of the bath-room? Perhaps from here to the first bench (from six to seven seet); a small room.

What furniture was there in that room? I remember that there was a sofa bed, or sofa, where in the morning we placed the cushions when we opened the tent.

The Marquis of Lansdown.—You have stated, in answer to a question put to you just now, that you asked to quit, and actually did quit her royal highness's service at Pesaro, because you conceived a bad opinion of the persons about her royal highness; if that was your motive, what was your motive for making the application afterwards, which you have stated you did make, to be restored to her royal highness's service. Had you then altered your opinion of the persons by whom her royal highness was surrounded? I applied to Scavini, in a kind of conversation, whether it might be possible to enter again into the service of her royal highness thus, in a playful way.

Did you then mean nothing that was serious by making the application to be received again into the service of her royal highness? No, as people do in common conversation; would it not be again possible to enter into the service of the princess; and I was in service at that time.

Lord Viscount Falmouth (from the gallery) would detain the house for a moment, upon a point which to him appeared important. The witness had been asked if he knew whether the princess was in the bath at the time when he carried the water to the door. To this question he had answered, "I cannot know." The witness had since asserted, that, when he carried the water to the bath, he could see that there was no other person in the room besides Pergami. Now he wished to know why the witness could not see if the queen was in the bath, when he could see that no one else besides Pergami was in the room.

The Earl of Lauderdale said, that the original question

stood thus—" Do you know whether, at the time you so carried the water, the princess was in the bath?" The answer given by the witness was, " I cannot know." If the witness had said, that he did not know whether the princess was then in the room, there would have been a contradiction; but at present there appeared to him (Lord Lauderdale) to be no contradiction.

Lord Viscount Falmouth was sorry to occupy the time of the house; but he thought the point was of considerable moment. The witness a quarter of an hour before had stated, that when he carried the water which Pergami, half-opening the door, took in, if any other person had been in the room, he must have seen such person.

The Earl of Liverpool saw no apparent contradiction at present. The fact he took to be this:—The witness prepared the bath, and saw Pergami and the princess go into the bathing-room. The question then put to the witness was, did you see the princess in the bath? The witness answered, I could not see, because after they went in the door was shut. The subsequent question, " Was any other person in the room?" applied to the time when the door was afterwards opened; and the witness answered, there was no one in the room. Whether the story told by the witness was or was not to be credited, was another question; there did not seem to be any contradiction at present.

Lord Erskine understood the witness to say, that if any other person had been in the room, he must have seen them.

Lord Viscount Falmouth.—Exactly so.

The Lord Chancellor thought that if their lordships looked at the relative situations of the bath and of the room, they would find there had been no contradiction.

Lord Viscount Falmouth pressed his opinion.

Several of the questions and answers were then read by the short-hand writer, from which it appeared that the witness had used these words—" If there had been any other person in the room, I must have seen them."

Lord Viscount Falmouth conceived that those words ap-

plied to the time at which the witness carried the pails of water to the door; and that the former evidence, in page 179, referred to the same period. Surely if the witness could see that there was no one else in the room, he must have seen the bath.

The Earl of Carnarvon thought that the answers referred to different periods.

Lord Viscount Falmouth acquiesced, and the question was withdrawn.

Lord De Dunstanville.—You have said that in the journey from d'Acre to Jerusalem, you and Carlo or Carlini sometimes slept between the outer and the inner tent. Can you recollect how often you so slept? I remember twice.

Do you remember at either of those times to have heard any conversation, or any thing that induced you to believe that there were two persons in the inner tent? Yes.

Could you distinguish whose the voices were? I could not distinguish the voice; but I heard whispers.

Could you understand of what persons the voices were, whether male or female? I heard two voices speak by whispering, but I could not make out whether they were women's voices or men's voices.

Mr. Brougham requested permission to suggest a question, to be put by their lordships to the witness.

The counsel were informed that they might propose any questions to their lordships.

Mr. Brougham proposed the following questions, which were put by their lordships.

You have stated that you were in place at the time the conversation passed between you and Scavini about being taken back, what were your wages at that time? I was in the service of the Marchese Erba Odescalchi.

Did you or did you not make repeated applications to Hieronymus also to be taken back into her royal highness's service? This I do not remember.

Did you or not also make application five or six times to Camera to be taken back into her royal highness's service? Softly on this point. The first or second time that Camera arrived at Milan, Camera sent his son for me, and Camera told me, and I remember it as well as if it was now,—Theodore Majocchi, do not enter into any service, because her royal highness wishes to take you back, and I shall pay you. This conversation must be put down, such as it is, and I beg to be allowed to

speak. Camera told me—Theodore, give me back the certificate of your good service, give me back such paper, and I will tell to her royal highness that you have not taken a further engagement—that you have not been in any further service, and she will pay you for the whole time you have been out of service—all the time you have been out of service, and all the damages or losses you have suffered: and I told Camera—Camera, give me back my paper; because I had already given him my paper, because rather than go to serve her royal highness, on account of the persons that are about her, I will go and eat grass.

Was this conversation with young Camera, or with old Camera? With Camera the father.

Did you, or did you not, ever make application at any other time to Camera, to be taken back into her royal highness's service? No.

Do you know whether Camera was examined at Milan? Of this I know nothing.

The Earl of Lauderdale.—Was this conversation you had with Camera at Milan, before you went to Vienna, or subsequent to your return? Before I went to Vienna.

The witness was directed to withdraw.

SECOND WITNESS. The ATTORNEY-GENERAL then called GAETANO PATURZO. The witness was rather of a shabby appearance, and apparently about thirty years of age.

The following questions were proposed through the interpretation of the Marchese di Spineto:

Mr. Denman.—What religion are you of? A Roman Catholic.

When did you last take the sacrament of the Lord's supper?

The counsel were informed that the question was not usual.

Mr. Denman stated, that he should be able to shew that, in the opinion of catholics, an oath was not binding, unless taken soon after confession, and the Lord's supper being taken.

The counsel were informed, that in the opinion of the house, the oath would be binding; and their lordships directed that it should be administered.

The witness was sworn.

Examined by Mr. Attorney-general, through the interpretation of the Marchese di Spineto.

The Lord Chancellor.—Have the goodness to keep up

your voice, Mr. Attorney-general, and let the witness keep up his.

What countryman are you? A native of Naples.

What is your occupation? Captain of a merchant vessel.

Are you part owner of the vessel which you command? I am.

What share? One-fourth.

In the month of April, 1816, were you mate of a ship then commanded by a person of the name of Garliullo? I was.

What was the size of that vessel? About three hundred tons.

Do you remember the princess of Wales coming on board that ship at Augusta, in Sicily? I do.

To what place did the vessel sail from Augusta with the princess on board? Directly to Gergenti: at Gergenti we had not sufficient water for the ship, and we sailed to Tunis.

Do you remember the names of the persons who accompanied her royal highness on that occasion? Almost all.

Mention the names of those whom you recollect? A certain Bartolomo Pergami, a Count Scavini, a certain William Austin, a certain Cameron, Theodore, Carlino, a cook named Francis.

Any females? Yes.

Who? The Countess Oldi, I believe, but I do not remember quite well; the dame d'honneur, two chambermaids, one of whom was called Dumont, the other was called Brunette, and a little child, called Victorine.

When you first sailed from Augusta to Tunis, do you know the situation of the cabins appropriated for the princess's and the Countess Oldi's sleeping-rooms? The real cabin of the ship was divided into two; on the right hand there was the bed of her royal highness; on the left, that of the countess.

Outside those cabins, was there the dining cabin? There was.

Do you know where, at that time, Pergami's cabin was? I do.

Where was it? In the first cabin, on the right hand, immediately after the dining-room.

Interpreter. I cannot make out whether it was immediately after, on a straight line, or on one of the sides.

The question was proposed to the witness.

The whole size of the ship almost was divided into three parts, not quite equal; the two lateral parts were divided into small cabins; one of those small cabins, that properly which was most near to the poop, and was near to the dining-room, was that appropriated to Pergami.

Did the dining-room extend the whole breadth of the ship?

Mr. Denman objected to the question as leading, and sub-

mitted that the witness should be directed to describe the situations of the rooms.

The attorney-general was heard in support of the question.

The attorney-general was informed by their lordships that he might put the question, Did the dining-room, or did it not, extend the whole breadth of the ship? or that it might be preferable to ask, How much of the breadth of the ship did the dining-room occupy?

The question as thus modelled was proposed.

The whole breadth.

After you left Tunis, did Pergami continue to sleep in the cabin in which he had slept upon his voyage to that place, or did he sleep in any other part of the vessel?

Mr. Denman objected to this question, as assuming that they did leave Tunis.

After you had been at Tunis did you sail from thence to any other place? We sailed for Malta.

After you left Tunis, did Pergami continue to sleep in the cabin he had first occupied, or did he sleep in any other part of the vessel? His bed was removed into the dining-room, and most especially, or properly, or particularly, on the right hand of the dining-room.

Interpreter. I have translated that word in several ways; I cannot give the proper meaning of the word in one word; I should translate it, "more particularly on the right hand," or "to speak more correctly, on the right hand."

Was the right-hand side of the dining cabin nearer or farther from the princess's room than the left hand-side of that cabin? As the chamber of the princess was on the right-hand side, it was more near, because they were both on the same side.

Whereabout was the door leading into the princess's bed-room? The room of the princess had a door which led into the dining-room, and then it had another door of communication with the chamber of the dame d'honneur.

Was that communication with the chamber of the dame d'honneur from within the princess's room? Yes; the cabin was divided into two chambers, as we have said, one for the princess and the other for the dame d'honneur, by a painted canvass; before reaching the end of this canvass, at the boards or partition which divided the ship, there was a door of communication.

When Pergami's bed was removed into the dining-room, how far was it from the door of the princess's bed-room? The room of the

princess had a wooden partition which divided it from the rest of the ship; on the opposite side was the poop of the ship; near to the canvass, on the left hand, was the bed of the princess; nearly in the middle of this partition there was a door which led from the room of the princess into the dining-room; on the right hand in this dining-room, at a proper distance was situated the bed of Pergami.

If the door you have mentioned was open, could a person in the princess's bed see Pergami's bed? Why not, according to the division which was made; in whatever situation a person was in this bed of Pergami's, he could not help seeing the bed of the princess when the door was open, the situation of the bed was such that they could not help seeing both together; but a person might stand up in the bed in such a position that he might not see the bed of the princess: if he stood upright he might put himself into a situation not to see the bed of the princess, but a person in the bed of Pergami might see the bed of the princess, because they were in the same line.

You have stated that the body of the ship was divided into three divisions; on each side were cabins, a passage in the middle terminating in the dining-room; in going from that passage into the dining-room how many doors were there leading into that dining-room? There were two doors.

After the ship sailed from Tunis, was one of those doors closed? Yes, one was closed; it was nailed up.

After that, was there one entrance or two from the dining-room into that passage? Of the outer door.

Where did you go from Tunis? To Malta.

From Malta where? To the Archipelago, and the island of Milo.

Did you afterwards go to St. Jean d'Acre? After much voyage we went to St. Jean d'Aere.

Where did the princess go from St. Jean d'Acre? To Jerusalem, to visit the holy place.

Did you accompany the princess on that visit to Jerusalem? I went in her company.

During that journey, did you travel by night or by day? We travelled the whole of the night and part of the day; but during the other part of the day, when it was very hot, we rested.

When you rested by day, were any tents erected? Not always, for at Nazareth we lodged at a private house; but when we left Nazareth, until another convent at a little distance from Jerusalem, we rested in tents.

In what tent did Pergami rest? Where the tents were raised, we dined also; and in one of those tents was the princess; and in this tent was immediately placed an iron travelling bed; and upon a piece of

matting, like that in this house, was put another bed; then they there dined, with the Countess Oldi, and Austin, and Pergami; and then I saw nothing else, because I went to dine myself.

Do you know who slept in that tent? For the princess I know, because it was the tent of the princess; but as far as the others are concerned I do not know, for I went to rest myself.

Do you know where Pergami slept?

Mr. Denman objected to this question, the witness having stated that he was in a situation in which he was disqualified from knowing where Pergami slept.

The attorney-general argued that it was quite regular to ask the witness, whether he knew where Bergami slept at that time.

Mr. Denman.—I don't object to the question itself, but to the moment at which it was asked, when, in consequence of what the witness had stated, he is disqualified from answering it.

The attorney-general.—Does the witness know where Bergami slept during the day when they rested?—I do not know.

The witness not appearing to comprehend the question, the interpreter expressed a desire that it should be again repeated by the learned counsel. (Cries of *No, no.*)

The interpreter said, that his mind was so taken up with translating every word that occurred, that he could not repeat the whole of t e sentence on the moment.

The question was then renewed, and the witness answered: I positively cannot know where Bergami slept, because I left him and the princess, and went to my victuals. I imagine—

Mr. Denman interposed.—A complete answer has been given to the question, and any speculation the witness may follow it up with, as to his belief or his imagination, cannot be received.

The Attorney-general.—The point, as to the propriety or impropriety of this interrogatory, cannot be entertained until the whole of the question is received. But my learned friend, without waiting for it, breaks in, and interrupts the witness before your lordships know what the answer may be.

The Lord Chancellor.—You certainly ought to know what the answer is before you object to it.

Mr. Denman reiterated his objection.

The Lord Chancellor.—It is impossible to proceed in this way. Unless we know the nature of the answer as well as the interpreter does before he interprets it, how can we decide on it? The constitutional mode is, if an answer is not evidence, to strike it out.

Mr. Denman.—Your lordships know that the effect is produced the moment the answer is given.

The Lord Chancellor.—Consider the state we are in. If you will not let the interpreter give the answer, as he is sworn to do, how can we know whether it is fit to be received or not? Let the interpreter give us the answer.

The question was then repeated, and the interpreter proceeded to that part of the answer where the word "*imagino*" occurred, when

Mr. Denman again interposed. Their lordships, he said, knew that, in a court of justice, if, instead of taking the statement from an interpreter, they examined the witness himself, and he answered that he did not know some particular point, but that he guessed or imagined some circumstance relative to which a question might be asked if the preceding interrogatory had been answered in the affirmative, the counsel appearing in such a case would not do his duty to his client if he did not instantaneously interpose, and prevent the witness from proceeding. In any court whatsoever he conceived the same course should be followed, and that the counsel, when a circumstance of hat nature occurred, was bound to bid the witness shut his mouth. Here, when a word was interpreted "I imagine," it was absolutely necessary for him to interpose to prevent the whole of the answer being received.

The Lord Chancellor.—I think the interpreter could not be stopped in giving the answer of the witness, until it appeared, from so much of the interpretation as he had made, that the witness was about to state something of imagination or

opinion. I think it now appears that what the witness was about to state was a matter of imagination, and not what had come to his knowledge. The answer cannot therefore be received. Interpreter, be so good as to state to the witness that he must speak only to facts which he knows.

Mr. Attorney-general.—Did you ever see Pergami reposing under any other tent? No.

When you were at Jerusalem, were you present at the church there at any ceremony? I was.

Was the princess there? She was.

What was the ceremony? Pergami, Austin, and the Count Scavini were made knights of St. Sepulchre.

Do you know whether that is a catholic order? It is, because they wished first to know something about the holy sacraments from us catholics.

Whilst you were at Jerusalem, was any other order conferred upon Pergami? Whilst we were at Jerusalem I know nothing of it.

Did you remain at Jerusalem with the princess, or return before her to Jaffa? I went to Jaffa before her royal highness.

Did the princess and her attendants embark at Jaffa on board the same ship? They did.

After they left Jaffa, was any tent made upon the deck of the vessel? There was.

Was that tent closed at night? It was.

Was any sofa or bed placed under that tent? There was a sofa and a small bed, the same which her royal highness had on the journey.

How were that sofa and bed placed under the tent? They made an angle, with a little distance to make a passage.

Have you yourself ever assisted in closing that tent at night? Outside I did.

Who was in the tent at the time you have assisted in closing it? The princess, Pergami, and some person belonging to her service—some of her suite.

Do you know who remained in that tent during the night? Those who remained under the tent I do not know; but the servants who were in the tent, came out of it, for I saw them on the deck, and spoke to them.

A doubt was suggested whether the witness had not said they came in and out of the tent, and the question was proposed to the witness.

Under the tent I do not know who remained; for this tent had a

communication which communicated also below; and whether the princess went out also from it, I do not know.

Have you ever seen the tent raised in the morning? Yes.

Whom have you seen under that tent, or have you seen any persons under that tent when it has been raised in the morning? For the most, the princess either sitting or lying on the sofa, and Pergami on the bed, and some person in the service; sometimes I did, and sometimes not.

When you have seen Pergami so on the bed, how was he dressed? With his usual lower dress; and above he had a species of Grecian cloak or toga—a species of morning gown with large sleeves.

Have you ever known that tent closed during the day? I have.

For how long a time? A little time, half an hour, or an hour.

Who were under the tent when it was closed in the day? It appeared the same as it appeared in the evening when the tent was closed.

Who were under the tent at the time it was closed in the day? The princess, Pergami, and some person belonging to her service that assisted in closing the tent.

Did that person who assisted in closing the tent come out from it, or remain under it? Many times I have seen this person on service come out, but at other times I was employed about the business of the ship, I do not know whether this person came out or remained.

Interpreter.—I used the word person, as he does not say whether it was male or female.

Mr. Attorney-general.—Do you know by whose directions the tent has been closed on those occasions? Sometimes the Count Scavini, or Cameron, but always one of the suite of her royal highness.

Have you ever seen the princess and Pergami walking together upon the deck? I have.

In what manner? Arm in arm.

Have you ever seen them upon the deck when they have not been walking? I have.

In what situation have you seen them then? In different situations.

Describe some of them? Sometimes sitting on a gun, with the arm of one behind the back of the other, because the gun was small, supporting each other with the arm; sometimes Pergami lying on his back upon his small bed, and the princess standing near to the bed of Pergami leaning forward; but whenever this happened, the captain, now with one excuse, now with another, sent me away, because we are distant relations.

You say you have seen the princess and Pergami sitting on a gun

with their arms round each other, have you ever seen the princess and Pergami sitting in any other situation? I have.

In what situation have you seen them? Sometimes I have seen Pergami sitting on the bench near to the main-mast, and the princess sitting on his lap or thigh, with an arm round his neck over his shoulder.

Have you observed how Pergami's arm was upon that occasion? Pergami's arm was behind the back of the princess, and the arm of the princess was round the neck of Pergami.

You have stated that there were a sofa and a bed placed under this tent, do you know where that bed was taken from when it was placed under the tent? This small iron bed came on board when the princess came, with all of her furniture or luggage.

Do you know, before the tent was erected, where that bed was placed? First of all we must observe that the nature of the bed, which had the legs of iron, and a piece of canvass without boards at the top; when we began to stretch the tent upon deck to shelter from the sun, then the princess ordered this sofa to rest herself during the day and then also from out of her luggage was brought forward this small bed.

Do you remember in the course of your voyage Saint Bartholomew's day, the 24th of August? I do.

Did any thing particular take place on board the ship on that day? During that day there was general mirth through the whole of the equipage, or the whole of the crew, which could hardly be kept in during the evening; afterwards dishes were set with lights to make an illumination all over the ship, and to all the sailors was given to drink; by the order of Pergami, they had a dollar each; and all the crew danced, and they cried, Long live St. Bartolomo! Long live the Princess! Long live the Chevalier!

When Pergami came on board at Jaffa, did he wear any other orders than the order of St. Sepulchre? At parting from Jaffa it was seen several of her majesty's court appeared with orders, with a yellow or straw-coloured ribbon.

What was that order called? Saint Caroline.

CROSS-EXAMINED BY MR. DENMAN.

Who of the household had those orders you have last named? Pergami, Austin, the Count Scavini, the Doctor, Cameron, and the two English Officers who were in the service of her royal highness.

Had not every one who had been at Jerusalem with her royal highness those orders? Not all; but only those seven persons whom I have mentioned.

You say you are a Neapolitan by birth, where do you live now when you are at home? I am fixed at Messina, because I live with my father, who is established at Messina.

Interpreter.—He means that he is still with his father; that he is not emancipated.

What is your father? Jean Baptista Paturzo.

What business or trade? First pilot in the royal navy of Naples, with the rank of an officer.

You are not married yourself, are you? I am not.

Have you always borne the same name? Yes, certainly; I never changed my name.

Was your name well known on board the ship you have been speaking of? Yes, certainly; by all the crew who knew me to be the pilot.

Of how many did the crew consist? The crew consisted of two-and-twenty in the whole.

They were all constantly employed in managing the ship? The crew was employed both in the service of the ship and the service of the princess, as I was employed myself.

Have you seen any of them lately; within this week? I have seen the captain.

What is his name? Vincenzo Gargiulo.

Have you seen no other of the crew during this week? I have not.

Have you seen any of them within this half year? About two months ago; but during the last six months, as Messina is a thoroughfare, I have seen some of the sailors on board other vessels.

Who was the man whom you have seen within the last two months? Francisco a Caompora *.

Where did you see him? At Messina.

Was the little gun you spoke of upon the deck? On the deck, we could not carry it in our pocket.

The bench near the mainmast was on the deck also? The bench was upon upon deck, because it forms the trap-door.

The crew had access to all parts of the deck at all times? As soon as the tent was closed, nobody could pass through the place occupied by the tent, but in all the other parts of the ship they might go on deck I mean.

Were you ever at Milan? Now in my way here.

You came from Messina to England by Milan? I came from Messina by sea to Naples, from Naples by land to Milan, Paris, Dieppe,

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* The Times has it,—"Giuseppe Arbono."

from Dieppe I crossed the sea to Brighton; and from Brighton by land to London.

Was that the first time you were at Milan? Yes.

Who first applied to you to come here? For this business, the English Vice Consul at Messina.

When was it? Towards the 23d and 24th, or 25th of the last month, July.

Was that the first time you were desired to give evidence upon this subject? Yes.

Did you go to the consul, or did the consul come to you? The consul sent for me; because he had been charged by the minister at Naples.

What are you to have for coming here? For what I have lost, it will be very little indeed.

How much is it you are to have? For coming here, I must receive, as a compensation for the ship and the trade I have been obliged to give up to come here, eight hundred dollars a month.

Interpreter.—The dollar is about 4*s.* 3*d.* to 4*s.* 4*d.*, but I remember once to have changed it as high as 4*s.* 5*d.*

Mr. Denman.—Did you pay your own travelling expenses? I have paid nothing, because I came accompanied by a courier. I have been obliged to come, because the minister applied to the consul, and the consul told me, that if I would not go, I should be made to go by means of the government; and as the business was to say the truth, I was not willing to come to such extremities.

Who was that courier? From Naples to Milan, Nicola Janneo; from Milan here a Mr. Krouse, or something like it.

How did you travel from Naples to Milan? In a carriage; I could not go on foot.

Do you mean a stage-coach, or a diligence? A hired carriage, which the courier hired.

Then it was hired for you two; not a carriage which any person might take his seat in for paying? Those questions it is useless to put to me, because I know nothing at all about it. I saw the horses changed, the only thing I know is, that the minister gave me to the courier, and the courier brought me here.

The minister gave you to one courier, and that courier gave you to the other, Mr. Krouse? This courier brought me to Milan; at Milan Colonel Brown gave me into the charge of the other courier when the courier brought me to Milan; at Milan we delivered a letter to Colonel Brown, which letter the minister had given me; and Colonel Brown gave me to the charge of Mr. Krouse, who conducted me here.

How long were you at Milan? I have not my memorandum book in my pocket-book, perhaps two or three days.

Where did you live during those two or three days? At an inn.

How often did you see Colonel Brown there? When I took the letter to him, and when I went to take my leave to set out with the second courier.

Did you see a man of the name of Vemecarti? The name of Vemecarti I do not know at all, this is the first time it reaches my ear.

Did you see any person there who examined you, and took down what you had to say? Yes.

What was that person called? There was present Colonel Brown, two persons, the person who wrote, who made four, and I made five.

Did Colonel Brown put questions to you? Just like this gentleman, to tell the truth and what I had seen.

Were you sworn upon the Cross of Christ? I did not take any oath on the cross, because I was not asked; but it was the same, because if I did not take it then I can take it now, and a thousand times before I die, because it is the truth.

Were you sworn at all at Milan? Not at all.

Had you been examined at Naples before you set out? No.

How did you travel with Mr. Krouse from Milan to Paris? Also in a carriage.

Were you and Mr. Krouse alone in it, or were there any other persons? I and Mr. Krouse and the post-boys that were changed.

Was it a Cabriolet? What we call a Calashe, with four wheels, with two seats to sit upon.

When did you arrive in London? Yesterday.

How long did yon remain at Paris? We arrived in the morning and set out in the night.

In the course of that day did you see any person at Paris who talked to you on this subject? No, in regard to my deposition, no.

Did they ask you any questions upon this subject? I want to have a better explanation, because I do not understand.

Did any body talk to you at Paris as to what you were to say against her royal highness? No; because otherwise it would have been the same that we have just been saying now of the deposition.

I do not ask whether any body told you what you had to say, but whether any person had any conversation with you on the subject. Did any body talk to you at all at Paris on the subject of the princess? No, for in Paris I was so little a time that it was hardly sufficient for me to rest, for I was travelling by post.

Were you never examined before upon this subject before you set out from Messina for Milan? No.

What day was it you were at Paris? What is to-day? For I do not know.

This is Wednesday; how many days ago is it? Those are such minutiæ that I do not remember.

Do you mean to say that you cannot tell whether you were at Paris during the last week or not? Saturday, the last week, I was at Paris.

Have you been examined since you came to England? Yes.

Before you came into this house I mean? Yes.

Have you been brought into this place before you came in just now as a witness? No.

When were you examined here in London? Yesterday.

Do you know the name of the gentleman who examined you? No.

You were not sworn, I suppose, yesterday? No.

Where have you been since your arrival in London? There; where all the rest were, where there is communication with this room, down below.

All the rest of whom? Others; persons who are there.

How many? I never had the curiosity to reckon them.

Can you tell whether there were twenty or one hundred? I have not reckoned them; I think of my own business.

Do you mean to say that you do not know whether there are ten persons only or ten times ten? Ten and ten times ten make an hundred, if I do know arithmetic that will do.

In the place from which you come here, were there as many as six persons? Whether there are six or whether there are more, I do not know; I do not know more than three, which is the captain, Theodore, and the cook.

Do you mean Theodore Majocchi who has been here examined? Yes.

Where did you sup last night? At a table.

Did those persons sup with you, the captain, Theodore, and the cook? First of all last night I took tea; secondly, there are persons the servants in the employ of the place, then in the room where I took tea we were five, the captain, this Theodore, and the other; I do not know who were taking tea, there were two, three, or four; I paid no attention to the number.

Did you sup together afterwards? I took no supper last night; I took tea

What day was it you came from Dieppe to Brighton? Yesterday I arrived here, which was Tuesday; Monday we set out from Dieppe, and on Monday evening we reached Brighton.

This closed the cross-examination by Mr. Denman.

Mr. Brougham said he ought to state to their lordships, with regard to the cross-examination of the last witness—and what indeed applied equally to both the witnesses examined—his hope that they would not consider the cross-examination closed when the witness retired, but that their lordships, in compliance with her majesty's petition, would allow the witnesses to be recalled at any future period if necessary. Such permission their lordships would perceive to be essential to the ends of justice, when it was remembered that there were witnesses of whom her majesty's counsel had never even heard the names.

The Lord-Chancellor said, that with regard to that application, the house would of course be regulated by a sense of justice, and by the occasion that could be shown for such an indulgence.

Mr. Brougham was well aware that the house would in all its decisions act in conformity to the dictates of justice; but he had thought it his duty to make this observation, that their lordships might not go away with the idea that he and his learned friends had finished their cross-examination.

RE-EXAMINED BY MR. ATTORNEY-GENERAL.

Have you left your ship at Messina? Yes, certainly.

What is the size of your ship? Two hundred and sixty-nine tons.

Is eight hundred dollars per month more than an adequate compensation for your coming here, in consequence of your ship and yourself being unemployed during the time? I want to know whether it is meant to apply to a compensation for myself, or for the ship.

Is that more than an adequate compensation for the ship being unemployed during the time you are here? This eight hundred dollars per month is not so much for the mere hiring of the ship, for I and the other men of the same kind do not reckon so much upon the hiring of the ship merely as a carrier of goods, but from what we can derive from our own trading, because we load the ship, together with some other merchants, at our own account, and we may lose a great deal, but we may gain a great deal.

Taking those circumstances into consideration, is the sum you have stipulated for more than an adequate compensation in your judgment? I cannot tell, if my speculation would succeed, I could gain a great deal more; but if my speculation should fail, I could lose more.

EXAMINED BY THE LORDS.

Earl Grey.—Where is your ship now? I have left her at Messina.

Was it about to sail on any other voyage, when you left it? No.

Must that vessel remain unemployed while you are absent? I do not know.

Is it possible, that it may be sent by the other proprietors in the course of its usual trade? Why not, because then they put on her another captain, and that hurts my business.

Then it is a compensation for your absence, and not for the ship not being employed? For the gain which I lose by leaving the ship, and leaving my trade unattended to.

Have you a share as the proprietor of a fourth part of that ship in any profits made by that ship during your absence? The fourth part of the ship is mine; is given to me after the deduction of the expenses merely for the freight, but not for what I might derive upon the gain of the trade.

You gain the proportion of that paid for the profit of the freight, but not the profit of the adventure? None in the merchandize, because as I am not present I do not employ my money, and cannot have any share in it.

In the voyage from Jaffa, how many sailors were usually employed on the deck at night? Of the whole crew, one-half was employed for four hours, and the other half was not employed, consequently the other half was at rest.

Then the house is to understand, there were always ten or eleven men upon the deck during the night? And when it was bad weather all the hands were on deck.

There were never less than ten? Never, except of those who during the night went to assist to dress the horses.

Those men were in the habit of walking up and down deck while they were on duty? The person at the helm was at the helm, I was near to the person at the helm, and the others were walking at the bowsprit at the forecastle.

Was the passage by which they could walk past the tent? The tent occupied a little more than one-half of the breadth of the ship.

Was there a passage by the sides of the tent from one end of the ship to the other? On the side where the tent was there was no passage, because the tent reached to the side of the ship; on the other side there was a passage.

Were the men in the habit of passing the tent during the night? Whenever there was any occasion to perform some service at the poop,

they passed, when not, as is the custom of all sailors, they remained in the forecastle.

The Marquis of Lansdown.—At the time at which you state that you were desired by the captain to go away on some pretence or another, where were you sent away, to another part of the deck or below? According to what he commanded me to do.

State, to the best of your recollection, what he ordered you to do, whether to go below or to another part of the deck? Sometimes he told me to go into the cabin to settle his account, for they were open accounts; sometimes he told me to go to the forepart, and take care of the sailors that they should not make a noise, or something like that.

When the captain so told you to remove, were there any other persons that remained near that part of the deck where her royal highness and Pergami, and the captain, were? A ship is not a town, though I went away from them, I was not divided from them except by the great boat or the long boat, which was in the middle.

Did any other persons remain in that situation from whence you were desired to withdraw? Where the princess was, was the princess alone; but as I have stated, the gun as well as this seat or bench was in the very middle of the ship, wherever they put themselves, they are in a species of situation wherever they place themselves.

At the time that you were, under some pretence or other, directed by the captain to remove from that part of the deck where her royal highness, and the captain, and Pergami were, were there other persons remaining near to the captain, and to her royal highness and Pergami, in that part of the vessel? As soon as I went away, I could not know what was passing there.

Were there any other persons, at the time you were so sent away who were suffered to remain in that part of the deck from whence you were sent? Must I know it before I went away, or after I have gone away.

At the time you went away? At the moment that I was going away something was ordered to me, and I could not pay attention to what was done, or who remained.

At the time you have stated that her royal highness and Pergami were reclining in the way you have stated upon the gun, can you recollect whether the state of the weather was calm, stormy, or otherwise? If there had been a storm they could not have been on deck; it was summer-time, and it was fine weather. Once we had a storm, and they were not then on deck.

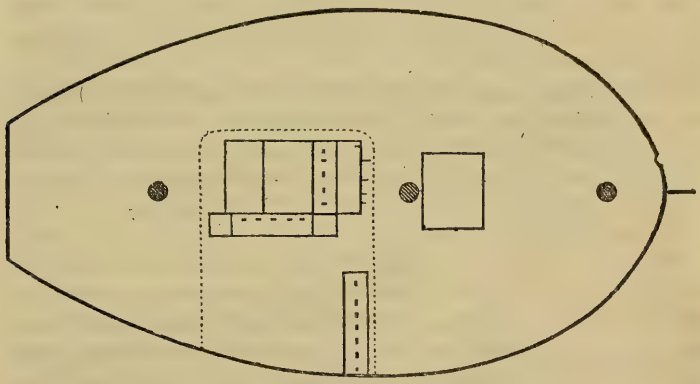
Had your ship much motion at that time? During summer there is only light air, and then it is followed by calms; and there is hardly

any tide to make any motion; and when they were sitting there, it was calm; the ship did not move.

Lord Roseberry.—In the voyage from Jaffa, you state, there was a communication to the cabin below from the tent; did that communication lead to any other part of the ship, or was it only a communication to a particular place from which there was no exit, except to the tent again? I will describe the plan immediately, and thus I spare trouble; if you will favour me with a sheet of paper I will do it immediately. Do your lordship wish to have the plan of the corridor where the cabins were, or of the part of the vessel, or the whole deck.

Did that communication which you state went from the middle of the tent to below, go to any other part of the ship; and if so, to what part?

The witness drew a plan of the ship, of which the annexed is a correct copy.



Interpreter.—He has given me the description of the tent; the whole of this is the whole tent when it was closed, this is the sofa, and this is the bed; here are the steps that go down below, and the tent would take in the steps inside.

The plan was handed in to their lordships.

Witness.—Those steps lead into the dining-room.

Then when the tent was so placed, was there any possibility of getting into the dining-room except through the tent? There was another place which I have marked a little higher up under the archway, because that led into the middle of the cabins.

In the position you have described her royal highness and Pergami upon the bench under which was the pump, were there any other persons capable of seeing their position? Yes, why not; because it was a time that other people were taking the fresh air in the cool of the evening, other people might see if they chose to look.

Lord Auckland.—Can you recollect in what part of the ship during this voyage, Theodore Majocchi slept? Yes.

State it? He had a place assigned to him, a hammock in the hold, but wherever he felt more easy he stretched himself.

Could he from that sleeping place possibly hear what passed in the night in the tent? When he slept in the hold I believe not, because the noise must have passed through two decks.

By another peer.—Did Theodore Majocchi sleep habitually in the hold, or between decks? To assert that would be telling an untruth, which I will not tell.

Did he ever sleep in the dining-room? I know not.

Lord Ellenborough.—Where did Pergami sleep during the voyage from Jaffa? There were two beds as we have said under the tent, and when the tent was opened, it was seen that upon that small bed was Pergami, and on the sofa was the princess; when the tent was closed I had no communication with the part of the ship belonging to the princess, therefore I do not know.

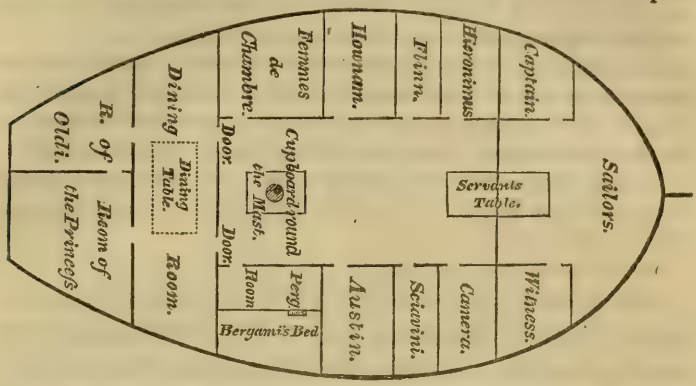
On the voyage from Jaffa, had Pergami any other place to sleep in but the bed within the tent? Where the princess and Pergami slept under the tent I have not seen them; but what I know morally is, that the princess and Pergami slept under the tent, because there were horses on board, which made a great deal of noise, and they said that they could not bear to sleep below.

Where were the beds placed during the voyage from Jaffa, which the princess and Pergami used as described by you in the voyage from Tunis? On the sofa there was nothing else but the single mattress of the princess, which was doubled, and the other matresses of the princess were placed on the bed, where they had been placed at the beginning, below.

You stated that the further part of the cabin was divided into two? in one of the rooms so formed slept the princess, and in the other Countess Oldi; and the bed of Pergami was placed in the dining-room; where were those two beds placed during the voyage from Jaffa? The bed of the princess remained there where it was; as to the bed of Pergami, when he got up, it was rolled up; for they had other things—their luggage; for the bed of Pergami had not a bedstead, but was put down on the planks of the corridor, and it was rolled up in the morning; but I never have paid attention to see whether the bed was there or was not there.

Was the distribution made of the apartments different on the voyage from Jaffa from what it was on the voyage from Tunis: Can you draw a plan of the distribution of the apartments before and after the alteration?

The witness drew a plan of the original situation of the apartments in the ship, which was handed to their lordships.



Besides this, which I have now given to their lordships, the only alteration made was, that the bed of Pergami from his room was put into the dining-room near to the door.

Was Pergami's bed taken out every night on the voyage from Jaffa? As to this I cannot tell what happened below in the apartment of the princess, because there I had nothing to do, and I do not know what happened in that place, except that when we put into a harbour, where the princess landed, either with the whole or a part of her suite, during the day I, with the crew, went to clean the apartments, and thus I was enabled to see that the bed of the princess was there, because I went to have the room cleaned.

Did other persons sleep where Majocchi usually slept? Yes, that is where Majocchi had his bed.

Did Cameron sleep in the same place? No, Cameron slept in the cabin.

How many tents were there in the journey to Jerusalem? I do not know; many, several; as many as were sufficient for so many as we were.

The Lord Chancellor.—Do you know where the female attendants slept in the voyage from Jaffa? The women had the small cabin which I have marked down, the other was assigned to the Countess Oldi, but I never went below, and saw whether they actually slept there.

Did you ever see the lantern, or light, put out from under the tent, after the princess had retired from the tent, to any person to take it away? The light, yes; sometimes this light was given from under the tent, and sometimes it was carried down below, by the communication below.

Do you know who received it under the tent? This light was not put from under the tent; it was put out of the tent, sometimes the captain, sometimes Theodore, sometimes Carlino, sometimes the sailors; even the captain himself took it away, whoever was near.

Lord Belhaven.—Do you know who gave it out? No, for this light remained in the tent for some time after the tent was properly arranged; I did not remain near to the tent, beyond the time in which the tent was arranged, then I went away; I mean when I was there.

Do you know whether any person slept in the dining-room during the voyage from Jaffa? Do your lordships speak of what I have seen with my own eyes.

No; do you know it positively?

Mr. Denman expressed his unwillingness to interpose by way of objection to a question from their lordships, but submitted, that the question was not in the form in which questions were usually put by the counsel.

The Lord-Chancellor stated, that where questions were put by the house, their lordships had always permitted counsel to submit to the house, whether these questions were correct, that the counsel had most properly called the attention of the house to the question put by the noble lord; that he had therefore to request that the noble lord would state the question he wished to propose; that in the Berkeley Peerage it had been laid down, that after the counsel has closed their examinations, their lordships were at liberty to put questions not put by the counsel, being bound to do justice between the parties. The question was proposed as follows:

Do you know whether any person slept in the dining-room during the voyage from Jaffa? This I do not know; I do not remember any particularity with regard to this.

Lord Darnley.—Do you know whether during the same voyage, the princess took her clothes off during the night, or whether she did not? We must distinguish betwixt knowing and seeing; what I know and what I have seen; I have seen sometimes in the morning the princess open a little of the tent, and I saw her having a white gown on, a dressing gown, or some gown or other, and she opened the tent just to take a morsel of air in the morning before the sun rose.

Mr. Cohen was asked whether that was the whole of the answer, and he stated that it was.

Lord Ellenborough.—Have you ever seen Pergami look out of the

tent about the same time? No; because towards the sea where the princess opened, the princess opened just as little as to put out her upper parts, her neck or shoulders.

Was there any communication between the chamber in which the princess slept down below, and that of the Countess Oldi, when they both slept down below? Yes, there was a communication to pass from the room of the Countess Oldi to that of the princess.

Without going through the dining-room? Yes.

Mr. Denman requested their lordships to put a question to the witness, which under the leave of the house was proposed as follows:

What is the name of your ship at Messina? Il Vero Fidele.

Does it belong to the port of Messina? She does.

What are the names of your partners? Only Jagonio Milanase *.

Lord Lauderdale.—From your knowledge of the situation of the dining-room relative to the tent, could a person in that dining-room hear what passed in the tent when the tent was shut up? Yes, a person might hear well, provided they were words pronounced with their natural force.

Here the examination of this witness closed, and he was directed to withdraw

LIABILITY OF WITNESSES.

The Lord Chancellor said, that before the house separated he wished to state, that he had not failed in his duty in applying to the highest sources of information on the point how far prosecutions might be supported against witnesses examined in the course of this proceeding. He understood, most unquestionably, that those prosecutions could be maintained; but he had not put to the same sources any question as to the effect or the exercise of the privileges of the house, should it interpose to prevent the production of the necessary evidence. It was material that the public mind should be satisfied upon this matter: and another point of importance was, that in endeavouring to accomplish this purpose the house should not lose sight of its privileges. A third consideration was, that, in any resolution named on

* The Times has it, "Jacomo Milanesi."

this subject, it should not be implied thereby that there would be any occasion to prosecute the witnesses. He purposed to-morrow to move the house to resolve, in effect, that if there shall be occasion for such prosecutions, the house will suspend its privileges, and not interpose to prevent them; meaning, at the same time, to frame that resolution in such terms as to answer all the objects in view. Adjourned at five o'clock.

HER MAJESTY'S PROGRESS TO THE HOUSE OF PEERS.

At an early hour, the people began to assemble in crowds in St. James's-square, and in the neighbourhood of the house of lords. Before ten o'clock, it was almost impossible to pass in front of her majesty's town residence. About half-past nine, Mr. Alderman Wood arrived in his gig from Hammersmith. Her majesty did not arrive till a quarter or twenty minutes after ten.

When her majesty arrived, the square was crowded in a manner never equalled on any former day. It was completely filled with respectably dressed people, walking opposite to her majesty's house. A line of waggons was drawn up, in which the places were let for hire, and were filled with females. As her majesty passed along, the mighty mass seemed simultaneously to receive animation. Hats and handkerchiefs were waved, and every one not immediately close to the carriage, was leaping up to catch a sight of the queen.

The specimen which the public had had of the evidence against her majesty, seemed to have given a confidence to the public enthusiasm on this occasion, and she was received less as a person who had a battle to fight, than one whose triumph was assured. Her majesty's spirits seemed raised to the highest pitch by sympathy and gratitude to the affectionate and exulting people. At a quarter before eleven, the queen left her house, and proceeded to palace-yard. The state-carriage proceeded slowly from the pressure of the immense assembled multitude. At Carlton-house there were loud cheers, the soldiers every where presenting arms. The

windows were crowded with respectable persons, who joined most warmly in the enthusiasm of the people below. Her majesty was received in Palace-yard with the usual military honours. About the barriers even more caution than ever was used in the admission of people.

The approach of her majesty is always announced some time before her arrival, by the loud cheers with which she is greeted. This species of telegraphic communication, extends from Brandenburgh-house to Palace-yard. In the latter place, the signal of her approach is the order to the guards to prepare to do the honours that are paid to royalty.

At a quarter past eleven o'clock the queen's carriage drove into Palace-yard. Her majesty was accompanied by Lady Anne Hamilton. She was dressed in black, and wore a white veil. Her majesty looked extremely well. In all the streets through which she passed, her majesty was most loudly and enthusiastically cheered.

RETURN OF THE QUEEN FROM THE HOUSE OF LORDS.

On her return from the house the crowds were greater, and the affectionate demonstrations of the people more rapturous, than on any former day. The whole of Parliament-street, the whole space before the barriers at Westminster-hall, the whole of the space about Charing-cross, and as far as St. James's-square, was crowded to excess, and people were still hurrying along the Strand, anxious to testify to her majesty their dutiful homage and heart-felt sympathy. It was expected that her majesty, as on former days, would retire from the House of Lords at four o'clock; she remained, however, on this day till near five, to the great disappointment of the assembled multitudes. On leaving the house she was saluted in the accustomed manner by the military, and cheered with the most rapturous shouts by the spectators within the barriers. The exclamations "God bless your majesty," "May you triumph speedily over all your persecutors," were so generally heard, that it was difficult to determine what feeling was predominant—whether sympathy for the sufferings

and admiration for the courage of her majesty, or indignation at the inhuman treatment of which she has been made the object. Her majesty arrived at her house about five o'clock. In the square the reception she met with was infinitely more cheering than on any former occasion: the multitude was greater, and their enthusiasm more excited. Her majesty afterwards received the Bethnal-green address. The procession with the address consisted of 30 coaches.

HOUSE OF LORDS.

SEVENTH DAY—THURSDAY, AUGUST 24.

About a quarter before ten o'clock the Lord Chancellor took his seat.

The counsel being introduced to the bar in the usual form, a new witness was called, viz., Vincenzo Gargiulo.

The Earl of Darnley made some observations on the propriety of ascertaining whether witnesses when examined, had any communication with the other witnesses.

The witness was then sworn.

Mr. Williams did not intend to state any thing which might seem to arise from a wish to provoke a discussion on any question which it might be supposed their lordships had already decided; but he wished to call their attention to a point which he conceived had not yet been under their consideration, and consequently not in any degree argued. He did not mean to say, that upon a witness being sworn it was competent to institute a particular inquiry respecting his creed; it was in general held sufficient that he professed a belief in a future state. But, on the other hand, cases had occurred in which the judges had held, that a person who appeared to give evidence in a court of justice, ought to be sworn in that mode, and with those ceremonies which were most binding to his conscience. There was a very important case on this subject in Cowper's Reports, which he should briefly mention,

as it was not necessary for him to trouble their lordships with the details. It was the case of Omichund and Barker, in which a question arose, whether a person having no idea of the Christian religion, could be a competent witness at all, if sworn, in an English court. In considering this question, all the judges, without exception, including also the Lord-Chancellor, gave it as their opinion, oaths ought to be administered to witnesses according to the ceremonies of their own religion; and they went upon this ground—that when a person was to be sworn, it ought to be with those ceremonies which he believed most binding on his conscience. In that case, which is referred to in Cowper's Reports, the chief-justice and the other judges held that, upon the principles of the common law, there was no particular form essential to an oath to be taken by a witness; but that, as the purpose of it was to bind his conscience, "every man of every religion should be bound by that form, which he thinks will bind his conscience most." If a Chinese, or a Gentoo, or a Mahometan, took an oath according to the forms of English courts, he probably would not think it the most binding on his conscience. He conceived that this view of the subject was very important; for if a witness were sworn in a way different from that to which he was accustomed in his own country, the effect might be that of relieving his conscience from the actual obligation of an oath. It was therefore proper, whatever might be the religion of the witness, whether Chinese, Gentoo, or Mahometan, that he should swear in the manner which was likely to be most binding on his conscience.

The Lord-Chancellor observed, that if the witness believed the form in which he was sworn, binding on him to speak the truth, that was sufficient, and he could not be examined on that point further. If he did not believe in a future state, in that case he would not be a competent witness at all.

Mr. Williams admitted that, generally speaking, no farther question could be put, if the witness acknowledged the

oath he took to be binding. He knew that Mr. Justice Buller had refused to allow a witness to be asked whether he believed in the Gospel, when he had acknowledged that he believed in a future state: but this did not apply to the present objection. He apprehended that the counsel in this important case, had a right to inquire of the witness, whether according to the mode of swearing in his own country under the forms of law to which he was accustomed, there were not certain ceremonies which he believed to be essential to the administration of an oath, and the want of which would be regarded by him as an important deficiency. It surely would never be thought sufficient to swear a Gentoo upon the Gospel. He thought, therefore, that he might be permitted to ask the witness, whether he did not think the mode of administering an oath in his own country necessary. He did not mean to impugn the witness's religious belief: he only wished to know whether, in the language of Chief-Justice Parker, in the case to which he had referred, the witness had been "most solemnly sworn."

Mr. Brougham quoted the case in Cowper to which we have already referred. Lord Mansfield, in citing the case of Omichund and Barker, had stated, that the principle was then admitted, that every man of every religion should be bound by that form which he thought would bind his conscience most. He would suppose the case of an Englishman in Turkey or in China called on to give evidence in a criminal case, as a Chinese some years ago had been at the Admiralty sessions, held at the Old Bailey. On that occasion a porcelain saucer was given to the Chinese, which he held up; and on some words being repeated by the interpreter, he threw it down and broke it. This was the form of the most solemn imprecation in his own country, and on that account the judges held it to be a proper mode of administering an oath. Now suppose an English seaman were to have a saucer put into his hand in a Chinese court, and were desired to go through such a ceremony as that to which he had alluded, would it be reasonable to regard that mode of ad-

ministering an oath sufficiently solemn in his eyes, because, from respect to the court, or from other motives, he did not object to be so sworn? He might indeed think the oath binding, but would it not be wiser in the court to swear him, not in the manner which he said was sufficient, but in that which they knew he held to be most binding to his conscience?

The Lord-Chancellor wished the counsel to state to the house, the nature of the questions they wished to put to the witness.

Mr. Williams wished him to be asked whether he had ever been examined as a witness in his own country. If he had not, whether he had ever seen any person so examined; whether there were any ceremonies used in his own country in administering an oath which had not been observed here, and which he thought binding on his conscience.

The Lord-Chancellor, after consulting for some time with the judges, said that the witness might be asked whether he considered the oath which had now been administered to him finally binding on his conscience; but that no other questions could be asked.

Lord Erskine agreed that the legal question was, whether the oath taken by the witness was binding on his conscience? His lordship stated, in illustration, a case in which he had been himself concerned; but the particulars could not be collected below the bar.

Mr. Brougham wished it to be understood, that the objection was not made because it was expected the witness might say he was not bound, but because it was desirable to ascertain whether there was any other form by which he might be more bound.

Lord Erskine, as we understood, thought that it might be asked the witness whether the oath he had now taken, or any other, would be most binding.

Earl Grey proposed to have it put to him, whether any other form of oath would be more binding on his conscience.

Lord Redesdale said, if the mode in which the oath had

been administered to the witness was wrong, then all the foreign witnesses that had given evidence in courts of justice, in his experience, had been improperly sworn.

Earl Grey proposed to refer it to the judges, whether the witness might not be asked, if there was any mode of swearing which he thought more binding on his conscience.

The Lord-Chancellor put the question in this form—Whether, if a witness has been asked in the courts below, whether he considers an oath which has been administered to him binding on his conscience, he can also be asked whether any other mode would be more binding?

Lord Erskine and the Lord-Chancellor made a few observations which we could not hear. The latter alluded to the case of a witness objecting to the form of the oath himself, as had sometimes been done by persons from Scotland, who refused to kiss the book. Here, however, the witness made no objection to the form.

The Earl of Liverpool believed that questions could only with propriety be put to a witness when he himself refused to take the oath. It appeared to him that it would be quite irregular to put any question of the nature proposed, when the witness made no objection to the form of the oath himself.

Here there was a cry of "Go on! go on!"

The question being delivered to the judges, they withdrew to deliberate.

SEPARATION OF WITNESSES.

The Earl of Darnley expressed an anxious desire to know whether any adequate means were taken by those who had the care of the witnesses, to prevent their association and inter-communication, after their examination at the bar. He thought it highly desirable that a witness going from their lordships' bar, should not be suffered to converse upon the evidence he had given among the other witnesses who had not been examined.

The Earl of Liverpool replied, that he cou d not see how

it was possible so to keep the witnesses so as to prevent their associating together occasionally; all that could be done was done; which was, to separate the parties as much as was possible, and the person who had the care of each set of witnesses to give them the strongest injunction not to converse together in any manner upon the subject of this trial, or any evidence connected with it. He was perfectly sure nothing else could be done beyond what he had mentioned.

The Earl of Darnley said he was not convinced by what had fallen from the noble earl, but that still some arrangement might be adopted to promote the object he had in view. Surely the examined could be kept apart from the unexamined. Injunction without separation, he considered perfectly useless. If it were not right and practicable to keep the witnesses separate, the solemnity of an injunction to them not to converse upon the evidence was ludicrous. The real object could never be effected but by separation, and he still thought that was practicable.

The Earl of Liverpool persevered in repeating, that it was absolutely impossible to carry into effect that complete separation which the noble earl called for. To ask the witnesses at either side not to associate together in any manner was altogether impossible. Let their lordships just consider for a moment the ordinary course respecting witnesses at the common assize. Did they not always find that the witnesses at either side, if they came from the same part of the country, generally associated together at the same inn? In fact it was quite unavoidable. The advantage or the disadvantage of the practice, whichever way it turned, was mutual; both sides of course had it. There was nothing else than an injunction to the witnesses which could be accomplished, for an absolute separation, so as to exclude the possibility of their conversing together at one moment or another, and more particularly when applied to strangers, was, he must repeat, altogether impracticable.

The Earl of Darnley said, that the only answer he had to give the noble earl's attempt at making any analogy between

what was done here with witnesses, and what was done at the ordinary assize, was this—that there was no resemblance between the present mode of proceeding and any other which ever took place.

The Earl of Essex trusted that as much care as was possible should be taken to prevent the witnesses from conversing respecting the evidence already given.

The Earl of Liverpool said, they were already enjoined to abstain from conversing respecting it.

The Earl of Harrowby concurred in opinion with his noble friend who spoke last, that an absolute separation of the witnesses was actually impossible. The inconvenience alluded to was certainly mutual, and utterly unavoidable.

The Earl of Darnley could not help trespassing upon their lordships with one word more. Two individuals had been already examined; ought not their lordships to state that they should be separated from the other witnesses at present? He trusted, at least, that Theodore Majocchi should not be permitted to have free intercourse with Madame Dumont (a laugh), of whom he had spoken in his evidence. He merely wished that they should not be permitted to communicate together.

The Lord-Chancellor said he should take this opportunity of submitting to their lordships such a resolution as he had mentioned yesterday. He would read it, and their lordships could then determine upon its application to the purpose for which it was framed.

On the motion of the Lord-Chancellor, the following resolution was agreed to:—

"That in case any prosecutions shall be commenced in any courts after the conclusion of the proceedings in this house, touching the bill entitled 'an act' (reciting the title), against any witness or witnesses who shall have been examined at the bar of this house in support of or against the said bill, touching any testimony given by such witness or witnesses at the bar of this house in respect thereto, this house, any privileges of this house notwithstanding, consents

that evidence may be given thereof in any such prosecutions, and also that evidence may be given of all such proceedings of this house, touching the said bill, as may be required to be given in the said courts in support of, or in defence, in such prosecutions."

The judges returned after an absence of twenty minutes, and the Chief-justice of the King's-bench (Abbott) informed the house, that the judges now present had considered the questions submitted for their opinion by their lordships, viz.—

"If a witness produced in the courts of law, without objecting to it, takes the oath in the usual form in which it is administered, he can be asked, whether he considers the oath he has taken as binding upon his conscience?—and whether he can be asked, whether any other mode of swearing would be more binding on his conscience than the oath he has taken?

"The judges were of opinion, respecting the first question, that, although a witness should have taken the oath in the usual form, he may, nevertheless, be afterwards asked whether he thinks it is binding upon his conscience. But that, if the witness shall answer in the affirmative, that he thinks the oath he has so taken is binding in the manner in which it has been administered to him, he cannot then be asked if any other mode of administering the oath would be more binding. The judges were of opinion, that if a witness says he believes the oath to be binding in the manner in which he has taken it, he in fact solemnly swears to speak the truth in his evidence; he appeals to the Divine Being for the truth he is about to utter; and having done that, it is unnecessary to inquire respecting any other mode of swearing."

The Chief-justice, in delivering this opinion, said that the judges had, in considering their opinion, had occasion to consult the authorities in some of the books, which was the occasion of their having detained their lordships a short time longer than they otherwise would have done.

The witness was then examined by the Solicitor-General through the interpretation of the Marchese di Spineto.

Were you master of the polacca called the Industry? Yes.

Are you also the owner of that vessel? Yes, I am also the owner; but she is now no longer called the Industry, but is called a Praum, because I have turned her into a Brigantine*.

Was that vessel engaged for the purpose of conveying the princess of Wales and her suite on the voyage from Augusta to Tunis, and afterwards to Greece? This polacca was hired at Messina, where she was fitted out, and at Augusta her royal highness embarked for Tunis and Greece.

Before her royal highness embarked on board the vessel at Augusta, had the arrangement of the cabins been made by you? Yes, the distribution of the cabins was made at Messina.

Before the princess embarked on board the vessel for the voyage at Augusta, did she, attended by Pergami, come on board the vessel? She came at Augusta.

Did she view the arrangement of the cabins which had been made by you? She did; nay, she ordered the door in the dining-room to be closed.

Before that door was closed, how many doors led from the body of the vessel into the dining-room? Two, one to the right and another to the left.

Which of the two doors was it that she directed to be closed? The door that was on the left.

Do you mean on the left, as you look towards the prow of the vessel? On the left, when from the poop you look to the prow.

In what way was that door closed, was it merely locked or was it closed up, so as not to be opened during the voyage? It was nailed up.

Was there any cabin contiguous to the dining-room on that side of the vessel where the door was nailed up? There was the line of the cabins that ran towards the prow, which formed the line on the left hand of the ship.

Can you tell, after the suite embarked on board the vessel, who it was that occupied that cabin nearest the door which had been so closed? The two maids, Mademoiselle Dumont and Mademoiselle Brunett.

Can you tell us who occupied the cabin on the opposite side next to the door that was left open? Pergami.

After the door had been closed, in the manner you have described,

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* Our reporter has given the answer thus:—Yes, I am also the owner; but the vessel is no longer called *la Industria*,—she is called the *Abramo* since the time she was converted into a brigantine

was there any mode of going into the dining-room from the body of the vessel, except through that door that was near the cabin of Pergami? There was the ladder that came from the deck into the dining-room, and there was the door which led near to Pergami's room.

Did the ladder which came from the deck go directly down into the dining-room, or was there a door at the foot of it shutting the steps from the dining-room? The ladder came directly into the dining-room, but at the top there was a hatchway, which, when it was desired to be shut up or closed, might be closed to stop the communication.

Then when that hatchway was closed was there any other communication except through the door by the cabin of Pergami? There was no other.

Beyond the dining-room, towards the stern of the vessel, how many cabins were there? There was another room divided into two apartments, on the right hand was the bed of the princess, on the left the bed of the dame d'honneur.

What kind of bed was it that the princess occupied, was it a single bed, or was it a double bed? Two sofas joined together, that would make together six palms and a half; it was about the breadth of six feet and a half.

Did Pergami continue to occupy the cabin so assigned to him for the voyage, or did he afterwards change his sleeping apartment? A few nights he slept in his own cabin, then he passed to sleep in the dining-room upon another sofa.

Where was the sofa, on which Pergami slept in the dining-room after he had thus changed, situate? On the right hand.

Was it so situated that a person lying in the bed occupied by the princess would be seen by a person lying in the bed occupied by Pergami, or was it not? If the door of the room of the princess had been open they would have seen each other.

Do you know the length of an English foot? I do.

About how many English feet, not speaking with perfect accuracy, were they from each other? Ten or twelve feet.

Did any person sleep in the dining-room, or within or beyond the dining-room towards the stern, except Pergami, the princess, and the Countess of Oldi? No, Pergami slept in the dining-room; her royal highness slept in the room in the stern on the right hand, and the dame d'honneur slept in the stern in the room on the left hand.

Did this occupation of beds continue during a great part of the oyage?

Mr. Williams objected to the question as leading

Mr. Solicitor-general.—How long, to the best of your recollection, did that occupation of the beds continue? Till June; the princess came on board towards the end of March, and it continued till June; then at the departure from Constantinople, the air became warmer, and the princess preferred to sleep on deck under a tent; but after her departure from Jaffa, where seven horses with two asses were brought on board, she always slept on board on the deck under the tent.

What bed or beds were placed upon the deck under the tent of which you have spoken? A sofa for the bed of the princess, and a travelling bed that the princess had was put up for Pergami.

You have told us that until the month of June, the princess and Pergami slept below; and you have told us, that after leaving Jaffa the princess continued to sleep on deck under this tent; where did Pergami sleep after the leaving of Jaffa? Under the tent together with the princess in the two different beds.

Mr. Brougham stated that there was a difference in the interpretation.

Mr. Solicitor-General.—Have the goodness to repeat in Italian what the answer was.

Interpreter.—"Sotto la tenda unito alla principessa," adding "condue letti devisi." I have said under the tent, "unito;" I have explained to your lordships, that I took it as an adverb "together;" and in order that your lordships should not mistake my meaning, I said he means, together with the princess, but not in the same bed; and I immediately applied to the witness, and he told me that he meant in the two beds.

Mr. Cohen.—My only objection was, that "unito" would mean joined.

Mr. Solicitor-general.—How long did Pergami continue to sleep in this manner? Until they landed at the Porto d'Anza in the Pope's dominions, thirty miles beyond Terracini.

At night was the tent open, or was it closed all round? During the night the tent was closed, shut as a pavilion.

Who was it that usually closed the tent at night? I was commanded to close it, and I commanded to others.

Was it so completely closed, that persons on the deck could not see within, or was it all open? It was my care to close all openings; and when I could not do it with curtains, I did it with pins.

Interpreter.—By curtains, I understand him to mean sails.

What do you mean by curtains? Other pieces of sail.

About what time in the morning was the tent usually opened? About eight.

Were you often present at the time when it was opened? Often I was.

Did you upon those occasions see the princess in the tent at the time of the opening? Yes.

Upon those occasions was she always up, or sometimes on her bed? For the most part I have seen her sitting on the bed.

At the times when the tent was opened, and when you were present, where was Pergami? Under the tent coming out.

Was he always entirely dressed, or in what manner? I have always seen him entirely dressed.

In what species of dress have you so seen him? On deck he went with a Grecian robe of silk, which he bought at St. Jean d'Acre; but when he went on shore, either he wore a coat, or was dressed as a colonel.

After the tent was closed at night, in the manner you have described, was any light occasionally or generally left within the tent? No.

It was not asked whether any light remained under the tent all the night, but whether there was any light there at the time the tent was closed, to the best of your recollection? When the tent was closed if there were light airs, no wind, the light was given from out of the tent; if it blew hard, then the light was carried away by the ladder.

Can you recollect who it was that was in the habit of taking the light from out of the tent upon those occasions, when it was delivered out upon the deck? Whoever was present; sometimes I have taken it myself.

How long, to the best of your recollection, did the light usually remain after the tent was closed? Ten or twelve minutes; it remained a short time.

Do you know who it was that usually handed the light out? Pergami.

Do you recollect whether in the day-time the princess sometimes sat or lay upon the bed under the tent? Often; she ordered that the tent might be made as a pavilion, because in the morning it was raised up as a ceiling. (An awning).

You have told their lordships, that the princess often sat or lay on the bed during the day-time, did she do this after dinner? Yes, after dinner.

Have you seen Pergami there at the same time? Yes.

In the day-time? Yes, during the day.

Have you ever received any directions during the day-time, when the princess and Pergami were under the tent, as to closing it? Yes.

Have you in consequence of those directions closed the tent with the princess and Pergami within it? Yes.

Did you do this frequently, or only seldom after dinner? In detail, I cannot say always or seldom, but it was three or four times a week

With the princess and Pergami both inside the tent? Both the princess and Pergami.

Can you state upon those occasions about how long the tent was continued closed? About half an hour, a quarter of an hour, or an hour; the time was not certain, not the same length of time always.

You have told their lordships you have seen the princess on the bed in the day-time, at the time when you were closing the tent? Sometimes I saw her upon the bed; sometimes I saw her standing when the tent was closing.

As to Pergami? For the most part he was lying on the small bed.

Did you close the tent leaving them so? Yes.

Have you on any one of those occasions seen Pergami afterwards come out from the tent? I have.

In what position have you seen Pergami lying on the bed; have you ever seen him lying on his back, on his side, or how? Lying on his back.

Do you remember, on any occasion when you saw Pergami lying on his back, in the manner you have described, receiving any directions from the princess as to closing the tent? I remember that Pergami was lying on the bed on his back, her royal highness sitting near Pergami; the Count Scavini was walking near the tent, on the opposite side, and, having received the order for closing the tent, Count Scavini delivered this order to me.

Did you, in consequence of this, close the tent upon the princess and Pergami, so lying as you have described? Yes.

Do you remember Pergami afterwards coming out of tent? Yes.

About how long after? About the time I have mentioned, a quarter of an hour, half an hour, or an hour; this happened many times.

Upon the particular occasion to which you have now referred, of being directed by Scavini to close the tent, do you remember afterwards Pergami coming out; and how long was it after you closed the tent before he so came out? About a quarter of an hour.

Did the princess ever take a bath on board the vessel? She did.

Did she do that more than once, to your recollection? More than once.

Do you remember her going below for that purpose? Yes.

State who went below with her? Pergami.

Upon all occasions which you remember of the princess going below for the purpose of taking a bath, was she or was she not accompanied by Pergami? I have always seen her accompanied by Pergami, not only when she was to take bath, but for any other thing she was doing.

Were there other occasions then, besides the bath, that rendered it necessary for the princess to go below? The greatest reason was that for going to the water-closet; for the water-closet was down below.

For whatever purpose she went below, was she, or was she not, always, to the best of your recollection, accompanied by Pergami? She was.

Have you at any time seen Pergami sitting on the deck? Yes.

Have you ever seen the princess with him upon those occasions? I have seen Pergami sitting on a gun, and the princess sitting on his knees, and that they were kissing.

Has this kissing, to your personal knowledge, been only once, or more than once? More than once I have seen them.

When the princess walked, did she take the arm of any person, and if so, of whom? The princess walking took the left arm of Pergami for the most, nay, always, for I have never seen her take the arm of any one else.

Have you ever seen, during the voyage, any jokes, any thing jocular, done by Pergami? I have.

Did you ever see this in the presence of the princess? I have seen it.

Describe what it is you allude to? I have seen him once, under the Grecian robe that he had, put some cushions and pillows, and make some motions to make her royal highness laugh.

Where were those cushions placed; in what part? Round his belly.

Do you know what that was to represent?

Mr. Williams had no objection that the witness should describe facts as long as the Solicitor-general pleased; but to draw inferences was, he apprehended, the province of their lordships.

The Solicitor-general thought his question a fair one.

The Lord-Chancellor.—Ask the witness if he knows what was meant to be represented.

Do you know what was meant to be represented? He wanted

to play some apish trick to make her royal highness laugh, and the people who were present.

The Solicitor-general.—That is no answer.

Mr. Williams.—It is not the answer, I suppose, which my learned friend wants; and in that case, of course, the question must be put again.

Mr. Solicitor-general.—Do you know what those cushions, placed in the manner you have described, were intended to imitate? As far as I know, it was a buffoon trick.

After this tent was erected upon the deck, in the manner you have described, where was the princess in the habit of dining? Under the same tent.

Who usually dined with the princess under the tent? Generally it was Pergami, and always Pergami.

Did those two persons generally dine alone, or with some other person? Sometimes they dined alone, sometimes there dined William, one that was reported to be the son of her royal highness.

What was William called, either by her royal highness, or in the presence of her royal highness? Some called him William, some called him Principino, the little prince, or the young prince, and sometimes I have seen her royal highness, when she was going to bed, give him some token of affection, as a mother does to her child.

During the time that the princess and Pergami slept on deck during the night, where did the little Victorine sleep? As the room for the maids was for two maids, so when her royal highness wanted to sleep on deck, one of those maids went to sleep in her royal highness's room, and Victorine went to sleep in the same room with her.

Do you mean in the cabin of the princess below the deck, and adjoining to the dining-room you have before described? Yes.

Do you remember the christian name of Pergami? Bartholomew, whose festival is to-day.

Do you remember any thing that took place on Saint Bartholomew's day, on the voyage in question? I remember to have been at anchor at Syracuse from the Holy Land, and that night there was a general illumination on the ship, as far as it was possible; Pergami rendered the crew all merry, they all got drunk, and he gave a dollar a-piece to each of the sailors; there was no other thing.

Do you remember any shouts? When they were drunk, the sailors shouted "Live the Princess," "Live the Chevalier."

While this was going on, those rejoicings and those shouts, what were

the princess and the chevalier doing, were they together? Pergami was walking on the deck applauding the sailors, the princess was sitting under the tent, which was raised like a ceiling.

Do you remember the princess walking about at that time on the deck? I remember her also walking, for she could not be always sitting.

With whom did she walk? With Pergami.

Did she merely walk side by side, or arm in arm? Arm in arm.

Do you remember Pergami landing at Terracina? I remember to have seen him embark in the Launch which I sent on shore, and I remember to have seen the Launch return without Pergami.

How long did he remain absent? Three days.

About what time of the day or the night was it he returned? During the night at Porto d'Anza.

About what hour? About ten o'clock.

Was the princess on board at that time? The princess was on board, and under the tent.

Where did Pergami go upon his coming on board? The princess went to meet him at the top of the ladder, and they went both together under the tent.

Was the tent afterwards closed? They supped first, and afterwards the tent was closed, and they went to lie down, and in the morning they landed.

Did they remain under the tent all night? Yes.

Did you go on shore at Jaffa or at St. Jean d'Acre? I have landed at St. Jean d'Acre and at Jaffa.

Did you go on the journey to Jerusalem with the princess or not? No.

No part? I saw her mount, and then I went on board, and they took the road to Jerusalem, and I returned on board.

On the return of Pergami on board the vessel, after the return from Jerusalem, do you know whether or not he had any new title or order? Yes, he had the order of the Holy Sepulchre.

Any other? No other but on board was instituted the order of St. Caroline which had been spoken of at Jerusalem.

Do you know from any thing you heard from the princess, or in the presence of the princess, what rank Pergami had in that order of St. Caroline; what station he held? Grand master of the order.

Have you ever in Italy been examined by any person as to the conduct of the princess and Pergami during this voyage? Yes, I have been.

At what place? At Milan.

Do you know the name of the gentleman by whom or before you were examined? Yes, by the advocate Vimercati.

Was Colonel Brown present? He was.

About what time were you so examined? The latter end of December.

Last year? Yes.

Where did you go to after you had been so examined? I went to Naples.

Did you go about your own affairs, or what? Yes, about my own affairs.

Were you afterwards applied to to come here? I was.

Where were you at that time? At Naples.

When were you so applied to, as nearly as you can recollect? On the 21st of June I was asked to come here, and as this journey was too long, and could not be done on account of my health, for I suffer the gout, I gave to our minister a certificate of two physicians to exempt myself from it; the minister commanded me to come, and also made me to be commanded by the minister at Milan, the Marchese Circelli, who has given me a letter for the Neapolitan ambassador.

Mr. Williams objected to these questions on the original examination.

The counsel were informed that those questions would be more applicable in re-examination, if the cross-examination led to them.

Mr. Solicitor-general.—Where is your vessel at present? My ship at present is on her way from Auplia to Naples; my interest did not allow me to come here, for my ship was loaded on my account, and I had given orders that she should be unloaded at Reggio.

CROSS-EXAMINED BY MR. WILLIAMS.

When did you leave the ship of which you have been last speaking to come here? I have left off sailing, and I have given myself to trade, so that my ship was loaded on my own account; I had an interest in half the cargo of my ship; that very ship which carried her royal highness is now commanded by Jiacomo Pettotuzzi *.

If you are rightly understood, you are now the owner or part owner of the vessel, and not the captain? I am the owner of the ship and the cargo I have left when I came here, one half of that cargo was my own.

* Some of the Journals have it, "Pallusterzo."

You are understood to have said that a certain person whom you have named is captain of that vessel now? Jiacomo Pettotuzzi is the captain whom I had appointed.

From what place was it that you came to England, as you did not come from your ship? I was at Naples.

Is that the place to which you belong; is that your town? Naples is my native country, but I dwell in the Piana di Sorento.

Who was it that applied to you to come to this country? The minister sent a messenger to find me, because my commercial affairs are at Naples.

Did you see the minister? I did.

Name him? Sir William A'Court, the English ambassador at Naples.

Have you made any bargain with any person as to the sum you are to have? Yes, I have.

Have you made this agreement with the minister? During the five days that I have been at Naples, endeavouring not to come, I have told all my circumstances to the minister; but the minister being convinced of my situation, has appointed to me a thousand dollars a month; but I have already lost four thousand, because the cargo that I have sent to discharge at Reggio I have not sold at a price which I ought to have sold it. I have advanced money to Manfredonia to buy another cargo, and that has remained unemployed; and the minister has given me this paper at the last moment when I set out.

Do you understand English? No.

How often have you been in England before, if ever? Eighteen months before; I was once before in England with my ship.

Were you ever before that in England? No.

Only once then? Once before this; this is the second time.

Have you received any money in advance, or is this sum you speak of in expectancy? I have received one month.

In advance? I received at Milan.

I understand you to say that you no longer go with the vessel, but that you have a captain on board that vessel; how is it that the captain could not go with the vessel without you? The captain navigates the ship without me, but he receives the order from me, and as soon as I am absent he cannot receive such an order, and acts according to his pleasure.

If you are understood right, you left the vessel actually performing a voyage? I left my ship which had sailed from Manfredonia to go to Reggio, where she was going to discharge her cargo; after having arrived here I have learned that my captain has sold the cargo at less

per bushel than was the price, at five carlini less per bushel than was the price.

Interpreter.—Five carlini is about twenty-five pence, as a carlini is five pence of this country.

Mr. Williams.—Perhaps you have made a more profitable voyage here. (*Order, order*).

Do you mean to say, that if you did not come to England it would have made any difference as to the sale of that cargo? Yes, that for one reason; a second reason, if I had not set out for England I would have continued my commercial affairs, for I have left my country just at the time of the harvest; and I advanced money to Manfredonia to buy corn, and by this time, if I had not come here, I would have gained as much as to compensate me for the loss of eight thousand dollars which I made in the year 1818.

Explain, if you can, how your coming to England makes any difference as to the profit or loss of that voyage? Yes; I had ordered the captain to sell the cargo at not less than twenty-four carlini per bushel; the captain having arrived at Reggio, and hearing that I had gone away, has taken upon himself to sell at twenty-one carlini, and since my arrival here, I have heard that the price of corn was raised to twenty-six carlini, and now I am told it has reached nearly to thirty.

Do you mean to state that your being here affects the price of corn in Italy? (*A murmur through the house*).

Mr. Williams was not aware that this question was irregular.

The Lord Chancellor.—There is no objection to the learned counsel's question.

Mr. Williams observed, that it was usual for silence to be observed in those courts with which he was familiar—in those courts where the judges presided; their lordships would therefore excuse him if he did not quite understand the interruption.

The Marquis of Downshire was of opinion that every indulgence and facility should be extended to the learned gentlemen who were engaged in this investigation. (*Hear, hear.*) It was on this occasion the duty of the house to act with the utmost impartiality. (*Hear, hear.*) Every part of the proceedings now pending before their lordships should be marked with the greatest possible attention; and it was of essential

importance to the interests of justice that the evidence of both sides should be given with the utmost clearness. (*Hear, hear.*)

The Earl of Liverpool certainly thought, that, when any question struck noble lords to be objectionable, the objection should be openly made, instead of manifesting any expression of feeling. A contrary course made that sort of impression on those who were not accustomed to their lordships' proceedings, which created embarrassment. He was sure that no intention existed, on the part of any noble lord, to produce such an effect. But he conceived that their lordships ought to have a proper command over themselves, and that an entire silence should be maintained, except where a just reason for interruption could be shown; and, in that case, the reason should be stated. (*Hear, hear.*) He made this observation, without alluding to any particular examination or cross-examination, but applied it to the whole of these proceedings. (*Hear, hear.*)

Mr. Williams.—Then you mean to state, that the captain has disobeyed your orders, and that you have in consequence lost the sum you have stated? It would have been a disobedience if I had been present; but as I was not present, he has not foreseen; I would have foreseen; and he has suffered himself to be deceived by those who were present, and has caused me that loss.

Have you not said that you gave an order to the captain? Yes.

Which order the captain has broken? He has disobeyed this order immediately after he heard I had set out from Naples for England.

Do you mean to represent, that when you made the bargain for one thousand dollars a month, you foresaw any thing of this that you have heard since? I have always foreseen an evil, for I did not wish to come here, not only on account of my health, but also on account of my interest.

Where was the sale of the cargo? At Reggio.

How far is that from Naples? Reggio is opposite Messina? on the straight line it is one hundred and ninety miles distant; by land, going a circuitous route, it is more than three hundred miles.

When did you last see Gaetano Paturzo? The last time I have seen Gaetano Paturzo, was here in London.

At what time? Two days.

You did not see him yesterday? I had not seen him before I saw him here; I had not seen him for eighteen months.

When did you see Paturzo last; the day, hour, or the minute, if you

can state it? Last night we supped together, and last night we slept together; that is, in two rooms adjoining to each other.

You did not breakfast with him this morning? On the contrary, I have taken my coffee with him this morning.

You have had no talk upon the evidence that Paturzo gave yesterday? No, because Paturzo would not tell what he said, nor am I a person to state what I am obliged to say in this room.

Did you inquire of Paturzo what he, Paturzo, had said? No.

What do you mean by saying that Paturzo would not tell you? Because I had told him to say the plain truth that he knows, as I have also come into this place to say the plain truth, upon which I have taken my oath.

How could you tell that Paturzo would not mention what he, Paturzo, had mentioned here, unless you had asked Paturzo? I have said he would not tell, but I meant to say that the matter cannot (ought not) be told.

Mr. Cohen said, that he agreed in this interpretation.

Marchese di Spineto.—That the subject was of such a nature, that it cannot be talked about; that is the meaning in which Mr. Cohen and I agree.

Mr. Williams.—Did anybody tell you not to speak to Paturzo about what Paturzo said here yesterday? No, I have told Paturzo myself, by my own act, without being prompted by anybody, not to talk about it.

Do I understand you right that you told Paturzo, "Now mind; Paturzo, you and I do not say one word about your examination of yesterday?" This is very natural; for to tell to others all those things which we say in this house is not decent, is not creditable.

You say you told it of your own accord to Paturzo; did you tell Paturzo last night or this morning, that it would not be fit for you and Paturzo to talk about his examination of yesterday? Yes, upon this matter.

Had you no curiosity to know from Paturzo who examined him, or what sort of man Mr. Attorney-general or Mr. Solicitor-general was? That does not belong to me to ask those things; for all my attention, I have thought of nothing else but that I was obliged to make this appearance before these gentlemen, these lords.

You thought so entirely about that, that you could think and talk about nothing else? Before these gentlemen, no other.

Have you been in this room before? Yes, but there were no gentlemen here.

When were you in this room before? On Sunday.

Who came with you? A gentleman has brought me to shew me

the curiosities, not only of this room but even where the coronation is to take place, to see those places.

Was it an Englishman, or who, who brought you? An English gentleman.

Do you know his name? who is he? No.

Do you know his person? I know his person.

Have you seen him before you came before their lordships this morning? I think not.

Have you looked about you to see? I have not.

Should you know his name if you heard it? Because it is a person whom I know, but I should not by name; even if his name was mentioned I should not know it.

How often have you seen him? I have seen him often, many times, but always transiently, because I do not understand his language, nor he mine.

Did you see him at Milan? No.

Only since you came into this country? After arrival in England.

When did you arrive in England? On the 14th instant.

When were you examined as to what you had to say? I was examined at Milan.

Have you not been examined since you came to England? Yes, but verbally so.

Who examined you? A gentleman whom I do not know.

That was not the same gentleman who shewed you this place, was it? No.

Look in that quarter to see who it was who shewed you this place? The person who is called Major Domo; I do not know by what name he is called.

Do you see that person? No.

What did you mean by turning and pointing to that gentleman behind you? Because he examined me. (Pointing to Mr. Bourchier, one of the Solicitors of the Treasury.)

Do you see the person who shewed you the room? I do not.

Who came with you from Naples to this country? I have come with the king's messenger and my own servant.

Who paid for the expenses of the journey from Naples to this country? The king's messenger.

Did you see Colonel Brown before you came from Italy to this country? Yes.

Were you examined then, just before your departure, by Colonel Brown? No; Colonel Brown examined me last year in December, as I have said before.

And a certain lawyer, Vimercati, was present, was he not? Yes Vimercati put the questions in the presence of Colonel Brown.

Were your answers put down in writing? I believe so.

Were you sworn to the truth of them? I subscribed my name at the end of the paper; but I did not swear to it.

That was in the presence of Colonel Brown and Vimercati? Yes

Have you seen this lawyer Vimercati since you were examined? No; now that I passed through Milan I have not seen him.

You have not seen Vimercati since you were examined by him in December? No.

Did you see any other person on the subject of your testimony, except Colonel Brown and Vimercati? No.

The question refers to the subject of the Princess of Wales? I have seen no other but Vimercati and Colonel Brown.

As you passed through Milan in your way hither, did you see Colonel Brown? Yes.

Had the colonel at that time the examination which you gave and signed in December? I have not seen it.

Nor any paper at all? No.

Have you never seen it since December? No.

You have never seen the examination taken in December from that time to the present? I have not seen it, and even now do I not see it.

RE-EXAMINED BY MR. SOLICITOR-GENERAL.

You have stated the sum which you have received, and are to receive, as a compensation for your time and trouble and loss in coming here; according to the best judgment you can form, is that more or less than a fair compensation for such loss? According to the success of my trade this year, it is not sufficient, what I have for what I lose.

It was proposed as an arrangement, that when the re-examination of the counsel had closed, each of their lordships should put all the questions he had to propose, before any other lord put any question, and that he should not afterwards put any question unless under special circumstances, and under the leave of the house.

It was asserted, that their lordships should each in their turn put the questions they proposed, as far as they were prepared to do so, but that they should not be obliged to ask permission afterwards to put other questions; it being understood however, that their lordships should not put further questions, unless any thing arose out of the further examination to occasion it.

EXAMINED BY THE LORDS.

Earl Grey.—What were you paid by the Princess of Wales for the time your ship was in her service? Seven hundred and fifty dollars per month, and all port charges paid.

You have stated, that after the tent was shut, the princess and Pergami remained the whole night under the tent together; at the time the tent was shut, were there any other persons then in the tent? No.

How do you know that Pergami remained there the whole night? Because it was seen; because, when the tent was covered, he remained under with the princess.

You were understood to say, that you saw Pergami under the tent when it was shut, and saw him again in the morning; did you ever see him in the intermediate time? No.

Was there any communication with any other part of the ship, from the tent, without coming upon the deck? There was; there was a communication by a ladder, which led into the dining-room.

Was it possible for Pergami to have left the tent by that communication, without your seeing him? It might have happened, though the passage was small, but I do not know whether he has done so.

Lord Ellenborough.—Was Pergami's bed ever prepared for him in the dining-cabin from the time the ship left Jaffa, till the time she arrived at Campo d'Anza? Never; once I remember that it was bad weather, and they were obliged to come down below, and they went into the cabins.

When the bad weather obliged Pergami to go below, did the princess go below likewise? Both together went down below.

The question is not whether Pergami's bed was ever prepared in the dining-cabin, but was it ever prepared for him below under the deck, after the vessel left Jaffa. No.

Earl of Roseberry.—You have stated, that in blowing weather the light was put down the ladder; do you know who took the light upon that occasion? Theodore or Carlino; Theodore, who has also been here, or Carlino.

Lord Auckland.—You have stated, that you received 750 dollars for the use of your ship, was that sum meant to cover all the expenses of navigation? I have got a great deal to say upon this particular point.

State those particulars? The freight of 750 dollars per month is very low; I agreed to the price of 750 dollars per month as certain; but when we take on board royal personages, we trust more to the uncertain than to the certain profits; upon those uncertain profits I have been disappointed, and I have made some applications, some demand, and in this way the English government have known that I am what I am, that is, that I am Vincenzo Gargiulo.

What do you consider to be the expenses of navigating such a ship by the month, taking in the pay of all the officers and men, all except the harbour dues? My crew consisted of two-and-twenty hands; those two-and-twenty persons, taking one for another at ten dollars per month, make 220 dollars per month; to feed so many hands it requires at least so much, especially that year, it being a year of great scarcity; then there are the expenses of wear and tear, the expenses of wear and tear on that occasion were also very high, for we must have enough, in regard to sails, and as to anchors, to carry a press of sail; then there is the keeping of the ship, for the royal personage on board it was necessary to keep things in more tight or clear order; then, if you will take into consideration the insurance, which upon a ship that cost me 10,000 dollars, is at least one per cent.; if you put together all these expenses, you will find there remains hardly any thing out of these 750 dollars.

Marquis of Lansdown.—Having stated that you were disappointed in the profits you expected, from having her royal highness the princess of Wales on board your ship, did you in consequence of that disappointment make any application for compensation, either to her royal highness or any person acting for her? To her royal highness I did not make any application, because she dismissed me, and granted me a certificate of good service; and this was on account of Pergami, because they wished that I should have carried them to Venice at the departure from Rhodes; the princess commanded, for the princess always commanded what Pergami commanded, that they wished to go to Venice. In sailing, after leaving the island of Candia, the wind was continually from the north; remaining in that state we were going to have no more water, the water was going to be at an end, for I had forty-four people and nine horses; I told her that as the water was near at an end, it was necessary that we should land; they did not wish to go to Morea, they did not wish to return to Candia, therefore they were obliged to go to Sicily; arriving in Sicily, they then passed across the strait of Sicily and went to Naples, and from Naples to Campo d'Anza; Pergami, on landing, because he had promised me 6,000 dollars, as a present by the means of the consul at Tunis, told me there was no present for me, because I would not take them to Venice; then when I came here last year, I gave a memorial to my ambassador Count de Ludolph, and I stated that as I believed myself to have served the British government, because I had had the honour of having the English flag, I expected the present which I had not received; and on account of this memorial which I gave to Count de Ludolph, the English government have known that I was Vincenzo Gargiulo of Naples.

Do you recollect, when her royal highness was on board this ship, to have, at different times, upon one pretence or another, desired the

mate Paturzo to withdraw from that part of the deck near where her royal highness and Pergami were situate? No, I do not remember, I do not know this business.

[This answer seemed to excite some surprise.]

If you had for any particular reason been in the habit of directing Paturzo to withdraw from that part of the deck where they were, under some pretence or another, is it not probable you would have remembered it? Now I understand it: once I remember to have seen her royal highness sitting and stooping on the bed of Pergami, and to have desired Gaetano Paturzo to go away, for it was not decent for him, who was a young man, to be present; because when I saw her royal highness stooping on the bed in that way, I sent away Gaetano Paturzo, who was a young man, not to see that thing which I thought indecent.

On that one occasion on which you recollect to have desired Gaetano Paturzo to remove from that part of the deck, were there any other persons near to that part of the deck—near to which the princess and Pergami were? There were other persons who walked that way; but I divided them all, and sent one one way and one another, that they should not see.

You are to be understood to say, that you desired all the persons, with the exception of her royal highness and Pergami, to withdraw from that part of the deck in which they were? All, except the princess and Pergami, who remained in that place.

Can you recollect any one person in particular, except Paturzo, whom you so desired to withdraw? I commanded it to my crew; but there was always the Count Scavini, who was there to receive the commands of her royal highness.

The Count Scavini did not withdraw at the time of which you speak? No; because he remained always there.

A Peer.—When the tent was closed at night, was the hatchway at the top of the ladder usually shut or left open? Sometimes it was shut, sometimes not: I have seen it shut in the morning when the tent was open, because it was obliged to be shut after the tent had been closed.

At night, during the time the tent was closed, had you the means of knowing whether that hatchway was left open or shut? I cannot say whether it was closed or not: what I can say is, that in the morning when the tent was opened, I saw this hatchway closed sometimes.

Is the name of her royal highness affixed to that certificate of good conduct which you have? Her royal highness knew it was written entirely in her own hand-writing.

Earl of Oxford.—In consequence of the memorial presented to your

ambassador, have you received any compensation? I have received nothing; nay, my minister, and the colonel to whom I have mentioned it, told me that they knew nothing, and that I might go to London, and then might see upon this particular.

What Colonel do you mean? Colonel Brown.

[Symptoms of impatience were now expressed by several noble lords, with cries of "withdraw, withdraw."]

Earl of Donoughmore.—You have said that at times when the princess and Pergami were together upon the deck you have thought it proper to desire your mate to retire; do you recollect on one occasion having desired your mate so to retire when the princess and Pergami were seated on the gun?

Mr. Williams begged to suggest to their lordships whether this question was not in an objectionable form.

Do you recollect to have ever seen the princess and Pergami sitting together upon the gun? Yes, I have said so.

In what situation were they placed as to each other? Pergami on the gun and the princess on his knees.

Did you on that occasion send away your mate? Always upon that occasion, whenever they stood still to look at such things I sent them away, one one way, and one another.

The witness was then ordered to withdraw, and was retiring from the bar, when

The Earl of Lauderdale observed, that the witness had mentioned his having received a certificate of good conduct from her royal highness; and he wished to ask the house if the witness might be desired to produce it.

The witness was recalled, and examined by the Lord-Chancellor.—From whom did you receive that paper (the certificate)?—From the Princess of Wales at Villa d'Este, when I went to her from Genoa.

Did she give it to you herself, or through any other person?—The princess wrote it herself in my presence, and sh herself gave it to me.

The interpreter being desired to read the certificate, aske. if it was their lordships' pleasure that he should read it in English? (Cries of *No. no.*) It was then read in the original, as follows:

"Son Altesse Royal, La Princesse de Galles assur par ce

Mr. ALDERMAN WOOD, M.P.

London Published by Thos. Kelly, *17 Paternoster Row, July 1, 1820.*

document écrit de sa propre main que Elle a été contente des Service du Capitain Vincenzo Gargiulo qui commendais la Pollacca nomé l'Industrie pendant son voyage.

"Caroline Princesse de Galles."

"A la Villa d'Este,
Ce 17 d'Octobre, 1816."

Lord-Chancellor.—Let an accurate copy of it be taken.

Earl of Lauderdale.—You have stated that you saw the princess and Pergami under the tent, and that after you saw them in that situation, Scavini received orders to let down the tent; did that happen when the princess was leaning on the bed on which Pergami was lying, and when you ordered your mate to withdraw? Yes, but this circumstance has happened more than once; it did not happen that once only.

Did Scavini continue to walk in that part of the ship after the curtains of the tent were let down? Then he did not remain in the place where he was, but he went a little more to the stern, a little more to the bowsprit, or he went down into his own room.

The following question was put by their lordships, at the request of Mr. Williams:

Were you in the habit of going down to the dining-room every night, or every evening? No; that was not my place, or my business.

The witness then withdrew.

Mr. Brougham said he had an humble application to make to their lordships, in consequence of a communication* which he had that moment received. He was anxious to ask one question of Theodore Majocchi without further delay,

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* We are enabled to present the public with one of the letters sent up from Gloucester, and first intimating that Majocchi was known there. It is addressed to a respectable person in London, and by him transmitted to Alderman Wood, and thence to the Queen's Counsel:—

Gloucester, August 23.

I know you to be a well-wisher of the Queen. The first witness called against her I have every reason to believe is a man who lived with Mr. Adam Hyatt, who brought him over from Italy. He always spoke in the highest terms of her Majesty, and said he had been offered a considerable sum of money, and a place for life, if he would appear against her. I can find very creditable people in Gloucester to whom he told this. I request you will make known these circumstances to Alderman Wood: and some person may then be sent from London to make the necessary inquiries here.

JOHN MARSH

To Mr. John Watts, 21, Castle-street, Oxford-street.

[Two other letters have been received in corroboration of the above statement.]

and, therefore, he hoped their lordships would order him to be called in. He had only one question to put to him, which might by possibility lead to one or two more. (Cries of "state the question.") If their lordships would allow him to examine this witness, he should have no objection to mention the questions he proposed to put: and the first question he wished to put was, whether the witness had been at Bristol during the last season, in the course of the last twelve or fourteen months?

The Earl of Liverpool wished, in such a case, that the house should be chiefly governed by the opinion of the learned lord on the woolsack, and that of the learned gentlemen at the bar; but he would suggest, whether, if this course was acceded to, which was breaking in upon established rules, counsel ought not, in the first instance, to state not only the particular question, but the object of the examination.

The Lord-Chancellor repeated what he had said on a former occasion, that on an application by counsel for the farther cross-examination of a witness, their lordships would be governed by a sense of justice, and by a regard to the grounds on which the application was made. But if a witness was to be cross-examined again, he could not say whether their lordships would allow the cross-examination to be taken piecemeal or not.

Mr. Brougham admitted that his application was out of the ordinary course of regular proceeding; but he pledged himself that he would never ask that witness another question after to-day, until he came to open the case. At present he should satisfy himself with asking these two or three questions.

The Lord-Chancellor thought their lordships should allow the questions to be put to the witness at present.

Theodore Majocchi was then ordered to be called in, and a short pause ensued.

The Lord-Chancellor observed, that it would be necessary that the learned counsel should state his questions to him in the first instance, and that they should be put by him to the witness. They might indeed, as far as respected the regular

course of their proceedings, be stated to any peer, and on these conditions the witness might be again examined.

Theodore Majocchi was then brought to the bar, and applied through the interpreter to be permitted as a favour to assure their lordships that he was ready to lay down his life in that place, if his former testimony was not correct.

Mr. Brougham.—Were you or not at Bristol in the last year, or in the course of this year? I do not know this Bristol.

Were you at Gloucester? Gloucester I knew very well.

Were you in the service of a gentleman of the name of Hyatt? Yes.

Did you ever declare to any person that the princess of Wales was a most excellent woman? Yes, that the princess was a good woman.

Did you ever declare that the conduct of the Princess of Wales was highly becoming? Of her conduct I always said that she was a good woman, but she was surrounded by bad people.

Did you ever say that she was a prudent person, and that you never had observed any thing improper in her conduct? I do not remember at all whether I did say so.

Did you ever say that the Princess of Wales always behaved herself with propriety? This I have never said.

Do you remember a gentleman of the name of Hughes; William Hughes at Gloucester, or at Bristol? This I do not remember.

Do you know a person of the name of William Hughes? I may know him, but I do not remember this name.

Do you know a person who was a clerk to Messrs. Turner, bankers at Gloucester? I do not know the name of this banker.

Do you know, or have you ever had any conversation with any clerk of any banker at Gloucester. This I do not remember.

Did you ever complain to any person at Gloucester that Pergami had kept part of the servants' wages from them, in the household of the princess? Yes, I did.

To whom did you make this complaint of Pergami? Precisely I do not remember; but I remember that Seignor Hyatt asked me why I had left the service of the princess, and then I answered him so; and then I remember to have added, after my return from the long voyage Bartolomi Pergami wished to lower my wages.

Did you ever say the same thing, respecting Pergami and your wages, to any body besides Mr. Hyatt? I do not remember that I did.

Do you remember Mrs. Adams, Mrs. Hyatt's mother? Yes.

Do you remember Mrs. Hughes, Mrs. Adams's housekeeper? I remember that there was a woman who did all the business in the house, if this was her name

Had she a son a clerk in a banker's house? I remember the son to come to pay a visit to his mother, but I do not whether he was in any bank, this I do not remember.

Did you ever tell this son of the housekeeper the circumstance respecting Pergami and your wages? I do not remember precisely whether yes or no, whether I ever complained myself of this man.

Did you ever represent to this young man that the Princess of Wales was a most excellent woman, a prudent woman, and that you had never seen any thing improper or indecorous in her conduct? This I do not remember.

Did you ever represent to this young man, the son of the housekeeper, that the Princess of Wales always, as far as you had seen her, had behaved herself in a most proper way? This I do not remember.

Did you ever travel in a stage coach between Gloucester and Bristol, or between Gloucester and any other place? I remember to have travelled from Gloucester when I came to London, this I remember; when I came away on my departure.

Did you ever make any other journey in a stage coach from Gloucester to any other place than London? This I do not remember.

Were you ever asked, by any gentleman in a stage coach, with respect to the deportment of the Princess of Wales during the time you were in her service? This I do not remember.

Did you ever represent her, to any person in a stage coach; as behaving herself very prudently? I do not remember to have ever spoke of these transactions.

Did you ever represent the Princess of Wales to any person in a stage coach as a much injured woman? This I remember no more no than yes.

Did you represent to any person in a stage coach, or elsewhere, that you had been applied to, to swear against her royal highness the princess? What I remember of these things is, that I have never spoken of these things in any place; in whatever carriage I may have been, I do not remember to have spoken of these things.

Did you represent yourself to have been applied to, to swear against her royal highness the Princess of Wales, to any person in any place, whether in a stage coach or any other place? I do not understand what you mean by the word Jurare.

To give evidence? At what time.

Did you ever say to any body that you had been applied to, to give a deposition against the Princess of Wales? I cannot understand what this term means? I cannot understand what this thing can mean.

Did you ever say to any body in England that you have been applied

to, to give an account respecting the Princess of Wales upon oath? In England; no, never.

The question is, not whether any body ever in point of fact in England applied to you to be sworn, but whether you ever said to any body in England that you had at any time or at any place been so applied to?

The Solicitor-general stated, that apprehending it was the intention of Mr. Brougham to obtain answers from the witness with a view to contradicting him, he submitted it was necessary the name of the particular party and the place should be mentioned in the question.

Mr. Brougham stated, that he did not admit that this was the rule, but submitted, that as the witness might not have known the name of the person to whom he said it, if the witness swore that he did not say so to any person, he should be at liberty hereafter to call any person to state that he had so stated to him; but that at the same time if he was informed of the name of the person, it would be his duty to put it to the witness.

The Lord Chancellor stated, that it had been ruled in the Court of King's Bench, that counsel ought in the first instance to name the person referred to, for that a person might sincerely state that he never had had such conversation; but that if put in mind of having been with a particular individual at a particular time, he might immediately recollect the conversation, and his former answer might be no slur upon that testimony.

The following question was proposed through their lordships at the suggestion of Mr. Brougham.

Did you ever say to Mr. Johnson in the stage coach, that you had been applied to, to appear as a witness against the Princess of Wales? I swear that I do not know this name, and this man I do not know, either the name, or even the circumstance of taking this oath.

Did you ever say to any person, "I have been applied to, to be a witness against the Princess of Wales," or words to that effect? Never.

Did you ever say to Mr. Johnson or any other person in a stage coach in England, "I have had considerable advantages offered to me, if I would be a witness against the Princess of Wales," or to that ef-

fect? I lay my head or my life there, this offer has never been made to me by any one

The question is not, whether an offer was ever made to you, but whether you have said that an offer was made to you? I lay my life if I have ever said so.

The Marchese di Spineto was desired to state the answer in Italian.

Interpreter.—" Eo netto la mea testa què se io no tatto questo discorso di giaramento." I lay my head, which means my life, here, if ever I have made this discourse about an oath; he repeats now, I never made this discourse with any body concerning an oath here in London.

Did you ever say to Mr. Johnson in a stage coach, that you had been offered a sum of money, or a situation under government, for giving evidence against the Princess of Wales any where? But if I do not know even the name of this Johnson.

Did you ever say to any person in a stage coach, that you had been offered a sum of money, or a situation under government, for giving evidence against the Princess of Wales? I lay down my life if this be true; and to you, I will answer no more, because you ask me things I have never dreamt about; things that have never entered my head.

Had you ever any conversation with any body in a stage coach, respecting her royal highness the Princess of Wales? I never spoke about the business of the Princess of Wales in a stage coach.

When you were travelling by a stage coach in England, did you ever at an inn speak upon the subject of the Princess of Wales? Never about the affairs of the Princess of Wales, I never have meddled with those discourses.

Did you ever in a diligence, or at an inn, when you were travelling by a diligence, say that you expected money, or a place under government, for giving evidence against her royal highness? Never, never this.

How long were you in England at that period when you lived with Mr. Hyatt at Gloucester? This I cannot remember, because I have not the book in which I have marked the time.

About how long were you in Mr. Hyatt's service? This is the same answer, because I have not the book in which I put down how long I was there.

Mr. Brougham returned thanks to their lordships for the indulgence he had received.

The Solicitor-general requested the following questions to be put:

Did you come from Vienna to this country as the servant to Mr Hyatt? It is Mr. Hyatt who brought me here.

Did you continue in the service of Mr. Hyatt till you set off to return to Vienna? Yes, till that moment; and he paid for my fare in the coach to London.

EXAMINED BY THE LORDS.

Lord Ellenborough.—When you spoke of her royal highness as a buona donna, and a prudent woman, did you allude to her royal highness's moral conduct as a woman, or to her behaviour towards you as a mistress? When there was discourse respecting the Princess of Wales, I always said she was buona donna; for if I had said she was cattiva donna, they would have fixed a quarrel upon me.

The witness was directed to withdraw.

Mr. Brougham stated, that in putting the questions which he had proposed to the witness, he had not done so under the slightest suspicion that any person had offered him a place under government, but with another view, which might be perceived.

FOURTH WITNESS.

Then *Francisco Birollo* was called, and having been sworn, was examined by Mr. Park as follows, through the interpretation of the Marchese di Spineto.

Of what country are you a native? Of Vercelli.

In what country? In Piedmont.

In what employment were you when you were applied to, to come here? I was at the service of my master.

What master? Marquis Incisa, a Piedmontese nobleman.

Were you at any time in the service of her royal highness the princess of Wales? Yes.

In what capacity were you in her service? Cook.

At what time did you enter into that service; in what year? When she came from Venice; I do not remember the year.

How long did you continue in her service? About two years, or two years and a half; I did not stay two years and a half, but precisely do not know.

By whom were you hired to go into the service of the princess? Seignior Pergami.

Were you acquainted with Seignior Pergami before that time? Yes.

What was Seignior Pergami when you first knew him? He was in the same service with me.

Was that in the service of General Pino? It was.

In what capacity was Pergami acting in the service of General Pino? His valet, because he came down into the kitchen, to get the dishes to wait at table; then afterwards he took the situation of courier.

How long were you with Pergami in the same service at General Pino's? I was at the service of General Pino, and he was at the service of the Countess of Pino.

How long did you know him in the service of the Countess of Pino? I cannot tell, because I went out of the service of General Pino, and he remained still in the family, for he became courier.

How long was Pergami in the service of the Countess of Pino before you left Count Pino's service? I do not know, because when I went into the service of General Pino he was in the service of the Countess, who married one another.

How long were you in the service of General Pino? I have served him three times; once when he was minister at war, another time when he was with the army of Moscow, and a third time I served, but I do not count that as a service.

Was Pergami in the service of the countess, at all those three times when you were in the service of the count? Yes; the only difference was, that I was paid by General Pino, and he was paid by the Countess of Pino; but we were all in the same service, and dined together.

For how many years before you entered the service of the Princess of Wales had you known Bartholomew Pergami? I did not see him before; I had known him at the time when I entered into the service of General Pino, when General Pino took the Countess Pino for a wife; before I did not know him.

How long was that before you entered into the service of the Princess of Wales. I do not know; having served another master, I do not know; I had to work, and it was impossible for me to remember all those things.

At what place was it that you were taken into the service of her royal highness? When she went to the Casa Formigine, opposite to the House Boromeo, when she came from Venice the first time.

Were you with her royal highness at the Villa Villani? I was.

Were you at the Villa d'Este? I was.

Did you accompany her royal highness in her voyage to Greece? I did.

Did you act as cook on that voyage? I did; but on board the two ships, the Clorinde and the frigate, I did not act as a cook.

Did you return with her royal highness from Greece into Italy? I

did return; but before I returned, I performed the office of cook on board the Polacca.

Were you at La Barona with the princess? Yes.

At what place was it you left the service of the princess? At the Barona.

How came you to leave the service of the princess? Because it was the brother of Pergami who persecuted me, and then I could not stand the labour.

What do you mean by that, that you could not stand the labour? Because it was too much labour.

Do you recollect where the princess slept in her voyage out to Greece? I do; on board the polacca.

Before the princess went to Palestine, do you know in what part of the polacca she slept? Sometimes on deck, sometimes under the deck; sometimes she lay under the tent, and sometimes she lay down below.

Where was the tent which you speak of? It was there in going to the poop; but I have no knowledge of a ship.

What was the usual place where her royal highness slept on her voyage from Jaffa to Italy? She always slept under the tent, except when we landed; because then, on land, she did not sleep under the tent, for we had horses, beasts, and other things; and she was under the tent on her return.

Do you know where Pergami slept on the voyage from Jaffa to Italy? In Jaffa, when we were on board this polacca, I saw him enter in the evening under the tent, and the tent was closed, and here was the princess, and he was sitting here.

Did you ever see Pergami in the morning coming out of the tent? Sometimes, but not in the morning early; about a certain hour he came out of the tent, and came there, on the forecastle, to make water.

At what time in the morning was it that you saw Pergami come out of the tent? Sometimes I saw him in the morning early, sometimes a little later, when I was already at the kitchen, boiling potatoes for breakfast for the crew.

In what part of the vessel was your kitchen? Near the foremast.

Was the tent always there, or was it let down at any particular time? Sometimes it was taken up, or raised up.

Was the tent let down at night? It was.

In what way was the tent fastened down at night? The tent was closed, and was covered with several things, and it was all closed; and sometimes I could not see what they were, because I was attending my kitchen; and then, in going about, I saw what had been put round, and every thing was snug.

Did you ever see a light in the tent at night when it was closed? Twice I have seen the light put out of the tent.

Do you know who put the light out of the tent? How can I know that, I was at the kitchen, I saw only the light put out.

Do you know who received the light when it was put out of the tent? Either Theodore, or a man called Carlino.

When you saw Pergami in the morning come out of the tent, how was he dressed? He had on a gown which he had made in the parts of Greece, which was of silk.

The counsel were directed to withdraw.—Adjourned.

RECEPTION OF THE QUEEN

At an early hour the crowd began to collect in St. James's-square, to obtain a sight of her Majesty as she passed to the House of Lords. When the state-carriage was drawn up, about half-past ten, the pressure was immense. Her majesty, as she ascended her carriage, was in the highest spirits. The day being fine, she directed the barouche to be thrown open, and the assembled multitudes put forth a shout for joy at this opportunity of seeing their heroic and beloved queen. The procession passed Pall-mall, Charing-cross, and Parliament-street, amidst the enthusiastic greetings of the people. Her majesty arrived at the House of Lords some time before eleven. The soldiers every where on the road presented arms; and as the procession approached the house, the guard of cavalry took their station in double line outside the first barrier, presenting arms as her majesty rode down the lines. The royal carriage having passed, they fell in the rear; and at the inner barrier her Majesty was received with similar honours by the infantry. It would be needless to repeat the description given of the enthusiastic feelings of the people on the preceding day, , both when she proceeded to the house, and when she returned. The crowds were greater, and their expressions of feeling more rapturous, than on any former occasion.

EIGHTH DAY, FRIDAY, AUGUST 25.

THE Lord Chancellor took his seat, and prayers were read about a quarter before ten o'clock.

Lord Ellenborough wished to draw their lordships' attention

to observations which had appeared in a paper of yesterday, in which an imputation was cast on the character of a noble lord now absent, his wish being to state what perhaps that noble lord himself would already have stated, had he had the opportunity of being present; and which would shew that the imputation was unfounded, and at the same time that there was no inconsistency in the evidence given by the witness Majocchi. Their lordships would recollect that Majocchi stated, that he went first from Milan to Vienna in 1817, in the service of the Marquis Onischalti: that he remained some time at Vienna, and went back to Milan; and that he was in the service of the Marquis of Onischalti six or seven months before he entered into the service of the British embassy. If the dates were compared, it would be found that this brought him down to the month of March, 1818. Now he (Lord Ellenborough) knew that Lord Stewart landed in England in July, 1817, and he knew that he had business of his own, which detained him in England and Ireland to February 1818. Up to that period he had seen him frequently; but it was, besides, matter of public notoriety, from the proceedings in Chancery, that Lord Stewart had continued some time longer in this country, at least till after the month of March. But he did not leave England until some months subsequent to that date, and he himself met Lord Stewart on the Dover road, in August, 1818. It was, therefore, impossible that Lord Stewart could have been at Vienna during the period of the service of Majocchi with the Marquis of Onischalti, or that he could have any communication with him after he left Milan. There was, therefore, no contradiction in what had been stated by the witness on this subject. It would be found, that when Majocchi was asked, whether he saw Lord Stewart, he said he did not recollect, but that he saw his secretary. Now he begged it to be understood, that in making this explanation, he was far from throwing any reflection on the conduct of Major Durin. Nor could he conceive how it could be stated as any thing derogatory from the character of a public officer, that he had endeavoured to secure to his government the examination of a

witness, whose evidence was required in a case important to the dignity of the crown and the personal honour of the sovereign. He had stated this much, in order that it might be known, that there was no contradiction in the evidence, and that what had been stated respecting the conduct of Lord Stewart, might also be known to be as false as it was base.

The clerk then proceeded to call over the house, when an apology was made for the absence of a noble lord (we believe Lord Sondes), on account of indisposition.

The Earl of Liverpool, as similar apologies might occur on other days, thought it necessary to observe, that he hoped no noble lord would, in consequence of the temporary indisposition of a day or two, make that indisposition an excuse for absenting himself during the whole of this proceeding.

Lord Grenville wished to know, whether it was intended that all noble lords, who were present, should vote. He did not mean to give any opinion on this subject at present, except to say, that he thought it might be very difficult for noble lords to give a vote on evidence which they had not heard.

The Earl of Liverpool said, that the question, whether noble lords should be compelled to vote was very different from that to which he had alluded. He was of opinion, that that must depend very much upon circumstances, upon which no determined opinion could yet be given; but he believed that the voting must be, in a great measure, left to their own discretion.

Lord Grenville explained.

Lord Erskine made some allusion to the printed evidence, which we did not distinctly hear.

The calling of the roll then proceeded, and when it was concluded, counsel were called to the bar.

Mr. Brougham, in consequence of what had appeared in a paper of yesterday, respecting his examination of Majocchi, thought it necessary to make an explanation. It had been stated, that he had examined that witness from a letter from a person he had never seen. This was completely erroneous.

He had examined him on the depositions of persons of the highest respectability.

The Attorney-General said, that if his learned friend complained of what appeared in the public papers, he had much more reason for doing so. He did not know, whether their lordships ever saw the newspapers; but there was in one of them, *The Times*, a most unjustifiable attack on the law-officers of the crown; and highly improper comments on the evidence. He, however, should not have said a word on the subject, had not his learned friend called their lordships' attention to it.

The Earl of Lauderdale did not know what had been stated in the papers, but he knew there were other publications of a very improper nature. In one of them (his lordship alluded to a pamphlet, entitled "a Peep at the Peers;" it was, among other things of which he had reason to complain, stated, that he and his family received 36,000*l.* a year from the Government, whereas he did not receive a farthing of the public money.

The Lord-Chancellor said, that the proceeding of yesterday was irregular; and he thought that if their lordships should be called upon to adopt the same course again, it would be fit to give more attention to it. As to what might be stated with respect to the proceedings going on before their lordships, it was very difficult to say what ought to be done. It perhaps would be better to leave that for future consideration. With regard to the pamphlet the noble lord had alluded to, he should only say, that, in his opinion, it was impossible that more of falsehood could be exhibited than appeared in it.

Then Francisco Birollo was again called in, and further examined as follows, by Mr. Parke, of counsel in support of the bill, through the interpretation of the Marchese di Spineto.

In the course of the voyage from Jaffa to Greece, did you at any time see the sides of the tent let down at day-time? Do you mean on shore.

On board the ship? Yes, I have seen them.

At what time of the day was that? In the morning, when I got up.

Did you see the sides of the tent, at any time in the middle of the day let down? Also in the middle of the day I have seen it.

What persons were under the tent when it was so let down? As usual, there were Pergami and the Princess.

Did you accompany the Princess on shore when she went to Jerusalem? I did.

Did you go with her to Ephesus? I did.

Do you remember in what place dinner was prepared for the princess at Ephesus? I do not remember exactly the place, but I know that we had been at the consul's before Nazareth; but I do not know the names of the places.

Do you know where the princess dined at Ephesus? I do not remember; I was working for the family, and I did pay no attention to those things.

Do you remember where she dined at Scala Nuova? No; because I went before with the luggage, and I went on board ship.

After the princess returned to Italy, were you with her at the villa d'Este? I was.

Were you also at the Barona? I was.

Before the time that you went on the voyage to sea; after that time had you opportunities of seeing the princess and Pergami together at the Villa Villani, the Villa d'Este, and the Barona?

Before the voyage, no: because they possessed not yet the Barona.

At the Villa Villani and the Villa d'Este had you opportunities of seeing the princess and Pergami together before the voyage? I had

On those occasions how did they conduct themselves towards each other?

Dr. Lushington objected to the question as leading, that it was too general, and ought to be made more pointed, that it was a summing up of the whole.

Mr. Parke was heard in support of the question.

The Lord Chancellor stated, that there was not the least doubt that the question was proper.

The question was proposed to the witness.

They were arm in arm.

Have you seen that more than once? Yes, many times.

Did you ever see them together in the kitchen at the Villa d'Este I have.

What did they do when they were together in the kitchen? Some times they came there, ordered something to be prepared, a napkin was spread, and something was laid to eat.

Were they alone at that time, or was any other person with them? Sometimes they were alone; sometimes there was with them the dame d'honneur.

Was that the Countess Oldi? No Oldi, but the sister of Pergami.

When they were in the kitchen eating, in what way did they eat? She cut some pieces, stuck a fork into it, and ate herself, and then took another piece, and said, "Here it is, you eat also."

Did you ever see the princess and Pergami on the lake together? I have.

Was any person with them, or were they by themselves? Sometimes they were alone; for he rowed, and she was with him in a small canoe.

Do you recollect a person of the name of Mahomet? I do.

Do you know of any exhibitions made by Mahomet in the presence of the princess? I do.

What sort of dress had Mahomet on; was it European or Turkish? A Turkish dress.

Describe what Mahomet did in the presence of the princess? He did so *(making a dancing motion)*, saying "Deura," "Deura."

Did he do any thing with his trowsers in the course of those gesticulations? He made a kind of roll to represent something,—I do not know how to call it decently.

Did you observe the princess on that occasion? She was looking, and laughed.

What did he do with this roll when he had made it? He took it in his hand and made gesticulations; I cannot say what he meant to represent.

What do you mean by *non posso dire?* I cannot say what he had in his head to represent by that, what he meant to represent.

Did that take place before the princess more than once? Once I have seen it in the kitchen, another time he was in the court, and she was at a window.

Were you with the princess at Turin? I was.

Were you at an inn there? We were.

Do you recollect the Princess going to court any day? I do.

Do you recollect whether on that morning you were in Pergami's bed-room? I do.

At what time of the morning was it? About nine or half-past nine.

Had the princess got up at that time? I do not know.

For what purpose did you go into Pergami's bed-room? I went to carry a ruff to the dame d'honneur, to put round her neck, and a pair of gloves.

Did the door of the chamber of the dame d'honneur open into that of Pergami? We entered into the room of Pergami, and then on the right there was the door of the room of the dame d'honneur.

Did you observe the state of Pergami's bed, whether it appeared to have been slept in or not? At the moment I was coming out from the room of the dame d'honneur, I saw Pergami coming out from the room of the princess, open the curtains of his bed; I saw that it was made, and he scolded me.

Was Pergami dressed when he came out of the princess's room, or half dressed; what clothes had he on? No, he had a morning gown of silk striped, he had his drawers, his stockings, and slippers.

Do you recollect, when you were at Barona, any balls being given by the princess? I do.

What description of persons were at those balls? People from the neighbourhood, no gentlemen, people of the low and middle rank.

CROSS-EXAMINED BY MR. BROUGHAM.

When did you come to this country. When they brought me here.

When did they bring you here? About nine or ten days ago.

Where were you before that? I was with my master.

Who was he? The Marquis Incisa.

Where did he live? In Piedmont.

How long had you been with him? I am still with him; I have been with him nearly three years.

When were you examined first, in this business? About two or three and twenty months ago.

At Milan? Yes, at Milan.

Who examined you there? An advocate called Vimercati.

Who was by, besides Vimercati? There were three or four gentlemen writing there.

Have you ever seen them since? I have seen one.

When? Before I came here.

Did you go to Vimercati at Milan, or did any body take you there? They sent for me, saying that they wanted to speak to me, and I went.

Was it at that time that you agreed to come over here? Yes.

Have you ever seen them since. No; because I went into Piedmont; but I have been twice at the Advocate's, Vimercati's; the first time, as I have said, there were three, and Vimercati four; and the second time there was only the Advocate Vimercati, and this gentleman whom I knew.

What is the name of this gentleman whom you knew? Colonel Brown.

Was it Colonel Brown that sent for you from Piedmont? Yes.

How do you know Colonel Brown? Because I saw him at the Advocate Vimercati's, and the servant of Colonel Brown lives near me.

Do you mean near you at Milan or at Piedmont? At Milan, next door at Milan.

What wages had you with the Marquis Incisa? One livre of Milan per day; eating, drinking, every thing comfortable, and plenty of perquisites, which are a good many, and indeed there are many perquisites.

Interpreter.—He says in this country they say, give me something to drink, in Italy it is something of the same species; he says he has a good many.

What wages had you with the princess? Every three months I got ten Napoleons, that is to say, ten twenty francs.

Had you your keep there? Yes.

And every thing comfortable? Nothing else but eating and drinking, all the rest I was to supply myself.

Does the marquis give you clothes? Not through obligation or agreement, but as presents.

There were no presents in the princess's household, were there? I never received any presents except when we returned from the voyage; for instance, I received a present when he was made a baron, he gave me two dollars.

Were not you cook with the princess? Yes.

Had you no perquisites as cook, did you make nothing of being cook there besides your wages, no perquisites? The profits I left to the other people who worked with me, for their pay was small.

Did the Baron Pergami pay you? Yes.

Did not the baron overlook the accounts of the house? Yes.

Was not he very exact? I do not know that, the accounts were so many.

On board the ship, was it your business to be on the deck or below cooking? On deck on the fore-mast.

Do you mean that the kitchen was upon the deck? Yes.

Where did the princess's maids sleep on board the ship? I do not know that.

Where did Mr. Hieronimus sleep? That I know, because sometimes I went into his cabin to have a glass, his room was in a corner.

Where did Mr. Hannam sleep? I know he was in one of the cabins; there were so many cabins, right and left, I do not know precisely which, but I know he was in one of them.

Where did Captain Flynn sleep. I saw them go into their rooms, one on one side and one on the other; but I do not know precisely the rooms, I was always on deck.

What have you had for coming here? Nothing at all but the trouble.

Do you expect nothing? I hope to go soon home to find my master.

Is nobody to give you your livre a day during the time you are absent from your master? There is my daughter, I do not know whether he pays her still; I have received noletters, and I do not know whether she still receives money.

EXAMINED BY THE LORDS.

Earl of Liverpool.—When you said in a former answer Pergami's bed appeared to be made, did you mean that it appeared as if it had not been slept in? I did.

Marquis of Lansdown.—Do you remember to have seen Mahomet perform the same motions which you have stated that you have seen him perform twice in the presence of her royal highness, before other members of the family when her royal highness was not present? Yes? he played the same tricks before us many times.

How did you know it to be the princess's room out of which you saw Pergami come? Because when I was ordered to carry the breakfast, I went with the people to carry it, and I saw her royal highness come out from the same room all combed and dressed.

Duke of Hamilton.—About what time of the day was that? Not entirely dressed for going out, she was combed, but she had her usual dress.

Earl of Lauderdale.—When Pergami came out of the princess's room and scolded you, can you state what Pergami said? "You scoundrel, what are you doing here? Who has opened the door?" I said I had found it open, and he said "Go away."

Viscount Falmouth.—You have stated that Pergami looked over your accounts, had you ever any quarrel about those accounts with Pergami? Yes, I have had some disputes.

Was that just before you left her royal highness's service, or at what time was that? I had had some disputes before and also after with his brother.

When you left her royal highness's service, did she give you a good character? No, because I did not ask for it.

Did you leave her service of your own accord, or were you discharged? There was some quarrel up and down, and they told me you may go, and I went.

Earl Grosvenor.—At what time in the morning were the beds usually made for the family at Turin? I did not go to make the beds.

Do you know at what time they were made? I cannot say, for

there was a servant who made the beds; it was only through accident that I entered his room.

Was it your duty to take the breakfast up? There were the waiters of the inn.

Was Mahomet in any particular employment in the service of her royal highness? Mahomet had the care of the horses, for there was another who did nothing.

Was Mahomet employed in the stables? One in the stable, and the other like a servant.

Earl of Darlington.—Do you recollect the king or queen coming to her royal highness the princess to the inn at Turin? I do

Did her royal highness go out airing with the king or queen? She did.

Do you remember whether Pergami attended the princess at that time, when she went out with the king or queen? Yes, he followed; but the king had the arm of the princess.

Did Pergami go in the same carriage, or in what carriage did he go? This I cannot say; I cannot remember; I know that he went into a carriage, for there were three carriages; but I cannot tell in which carriage.

Do you recollect at what hour the princess went to court? When she went airing it was about eleven in the morning, when she went to dinner it was about one in the afternoon.

Were you in the service of General Pino when Theodore Majocchi left it? No.

Earl of Morton.—Is it usual in Italy to make up the bed in a different form for the day and for the night? There may be a manner, but I know in my house the bed is made in the morning; but I never made a bed.

Lord Auckland.—You have stated that you knew the princess's bedchamber from having seen her royal highness leave it dressed, and with her hair dressed; does that remark apply to the morning that her royal highness went to court, or to any other day? On that same day she went to court.

At what hour did you see her? About half past nine or ten.

The following question was proposed by their Lordships at the request of Mr. Brougham:

Were not you once, while in the princess's service, confined to your room in consequence of a hurt received in a scuffle? Yes.

Do you recollect her royal highness coming to your room, to see whether you were well treated, and to ask after you? I do; she and the baron.

By Lord Ellenborough.—At what hour did her royal highness come

to see you when you were confined in consequence of that hurt? The hour I do not know; I know she came to me, and I was half asleep, and Pergami told me, "Mind, it is the princess who has come to see you."

Did her royal highness come more than once to see you? Once.

Was it by night or by day that the princess came into your chamber? By day.

Were you in bed at the time the princess came to see you? I was.

Earl of Carnarvon.—Did the princess come into your room alone, or was Pergami with her when she came? They came together.

The witness was directed to withdraw.

FIFTH WITNESS.

Then *Samuel George Pechell*, Esq., a post-captain in the royal navy, was called in; and having been sworn, was examined as follows, by Mr. Attorney-general.

I believe you are a post-captain in his majesty's navy? I am.

In the month of March, 1815, did you command his majesty's frigate the Clorinde? I did.

Were you in that month at Civita Vecchia? I was.

Did you, at Civita Vecchia, receive her royal highness the princess of Wales on board the Clorinde? I did.

Do you recollect by whom she was accompanied? By Lady Charlotte Lindsay, the Hon. Mr. North, Dr. Holland, Madame Falconet, her two daughters, and various servants.

Amongst these servants, do you remember a person of the name of Pergami? I do.

In what capacity did Pergami act, on board the Clorinde? As a menial servant.

Were you in the habit of dining with her royal highness during the time she was on board the Clorinde? I was; her royal highness was entertained at my table.

Did Pergami wait at table? He did.

Did he wait at dinner as the other servants, as a menial servant? He did.

Where did you convey her royal highness at that time? To Genoa.

In the course of your voyage to Genoa, did you touch at Leghorn? We did.

Did any of her royal highness's suite quit the ship at Leghorn? Lady Charlotte Lindsay and Mr. North quitted her at Leghorn.

Was there a boy of the name of Austin on board? Yes, there was.

You say you conveyed her royal highness to Genoa, did her royal highness quit the ship at Genoa? Yes, she did.

With her suite? With her suite

Do you remember how long she was on board your ship at that time? Seven or eight days.

In the course of the autumn of that year were you again at Genoa? I was.

Do you remember the month? In August, 1815.

Did her royal highness in that month embark at Genoa on board the Leviathan? No, not till November.

Were you at Genoa when her royal highness embarked on board the Leviathan? I was.

Had you seen her royal highness in the interval between March and November? I had, in the month of March; but not from the time of her departure from Genoa.

Did you happen to see her at the time she came to Genoa to embark on board the Leviathan? I did.

Did you see her royal highness come to the shore in her carriage? Yes, I did.

Who accompanied her in the carriage when she came to embark on board the Leviathan? I remember the Countess Oldi and Pergami being in the carriage, with an infant, but I am not certain of any other person.

Did you go in the Clorinde from Genoa to Sicily? I did.

Had you directions to go to Sicily for the purpose of receiving her royal highness at Sicily? I had.

About what time did you arrive in Sicily? May I refer to a paper of dates?

Mr Brougham.—Is it in your own hand-writing? It is; it is from the log of the ship.

The witness referred to his memorandum, and said,

On the 7th of December.

Did you in Sicily receive her royal highness on board your ship? At Messina.

Previously to your receiving her royal highness on board your ship the second time, did any communication take place between yourself and her royal highness? Yes.

What was the nature of those communications? I received a letter from a Mr. Hannam; the communication made to me was, that her royal highness intended to embark from Genoa in the Clorinde.

That was before you had left Genoa? Yes.

Did any communication take place between you and her royal highness before she embarked on board your ship? There did.

State the nature of those communications? On the morning after

my arrival at Messina, Captain Briggs informed me, that her royal highness had expressed uneasiness at the prospect of keeping her own table on board the Clorinde; I therefore desired Captain Briggs to go to her royal highness in my name, and to say, that I was ready to do every thing in my power to make her royal highness comfortable while on board the Clorinde, provided her royal highness would be pleased to make a sacrifice which my duty as an officer compelled me to exact, by not insisting on the admission to my table of a person of the name of Pergami, who, although he was now admitted to her royal highness's society, when she last embarked on board the Clorinde, was in the capacity of a menial servant. I saw Captain Briggs on the afternoon of the same day, when he told me he had had the conference with her royal highness which I had desired; and that, from the tenor of his conversation with her, he believed there would be no difficulty in my request being acceded to, but that her royal highness required a day to consider the subject. The Leviathan sailed the following day; and on the morning after that, I waited on her royal highness, to know her determination; her royal highness declined seeing me herself, but desired Mr. Hannam, one of her suite, to inform me that my request would not be acceded to, and that she should accordingly provide for her own table.

How soon after that did her royal highness embark on board the Clorinde at Messina? Her royal highness embarked on board the Clorinde on the 6th of January following.

How long was that after this communication? About a month.

Who accompanied her royal highness this second time, when she came on board the Clorinde? The Countess Oldi, Pergami, Master Austin, and a Count, whose name I understood to be Scavini, and various servants.

Was there a little child with her? And a little child, which I understood to be Pergami's.

Where did her royal highness dine during the time she was on board your ship? In her own cabin.

Do you know who dined with her? I do not.

She did not dine then at your table, during the time she was on board the Clorinde? She did not.

How long was she on board the Clorinde? Three or four days.

Mr. Brougham declined asking the witness any question.

EXAMINED BY THE LORDS.

Earl of Oxford.—It appears that you refused to allow the princess to sit at your table, because of the difficulty about Pergami; supposing a lad who waited at my table, or any other person's table, should have the good fortune to be made a midshipman in his majesty's service, and

afterwards become of rank, either as a lieutenant or a captain, would you afterwards refuse to sit down with that person?

The question being objected to, the same was waved.

SIXTH WITNESS.

Thomas Briggs, Esq., post-captain in the royal navy, was called in, and having been sworn, was examined as follows, by Mr. Attorney-general.

You are a captain in his majesty's navy? I am.

Did you, in the year 1815, command a ship of war of his majesty called the Leviathan? I did.

Were you at Genoa in the course of that year? I was.

In what part of it? In November, 1815.

Was your ship ordered to Genoa for the purpose of receiving on board her royal highness and her suite, and to convey her to Sicily? She was.

Did her royal highness and her suite embark on board of the Leviathan at Genoa? She did.

Can you state by whom she was accompanied when she came to embark? By her suite.

Do you remember of whom that suite consisted? I do.

Be good enough to mention them? Her royal highness, Pergami, Mr. Hannam, I think Count Scavini, and two or three other foreigners—Montechelli I remember the name of, but I do not remember the names of the servants that accompanied the suite.

Was there Madame Oldi? There was Madame Oldi, and there were two servant-maids.

Do you remember her royal highness coming down to embark? I do.

Do you remember who came with her in the carriage? The Countess Oldi, Pergami, a small child, and I think there was another person, but I am not quite confident; I remember these three perfectly.

Did her royal highness dine at your table? Always, while she was on board.

Did Pergami dine with her? Always.

What disposition had you made of the cabins for the accommodation of her royal highness, previous to her royal highness embarking on board your ship? I had made such arrangement as I thought would accommodate her royal highness and the whole of her suite.

With respect to the apartments which you had appropriated for her royal highness and her suite to sleep in, where did you assign a cabin

for her royal highness? The after apartments of the Leviathan were divided into two cabins, which I intended for her royal highness; the one as the sleeping-room, and the other as a sort of drawing-room; before that, there were two other small cabins in a line, which I intended for her royal highness's suite, the Countess of Oldi and the two maids before her; and I meant to put the men any where, some below in the ward-room, and some in my cabin, as was most convenient, reserving one part of my cabin for myself; that was the disposition of the apartments I made then.

Was that disposition altered by her royal highness? It was.

Look at that plan.

(A plan was shewn to the witness.)

Mr. Denman stated that he should have objected to that with another witness, but did not object in the present instance, but rather wished it should be done.

Mr. Attorney-general withdrew the plan.

Mr. Attorney-general.—You say that you appointed a cabin for Madame Oldi and the female servants; was that immediately adjoining the cabin intended for her royal highness? It was.

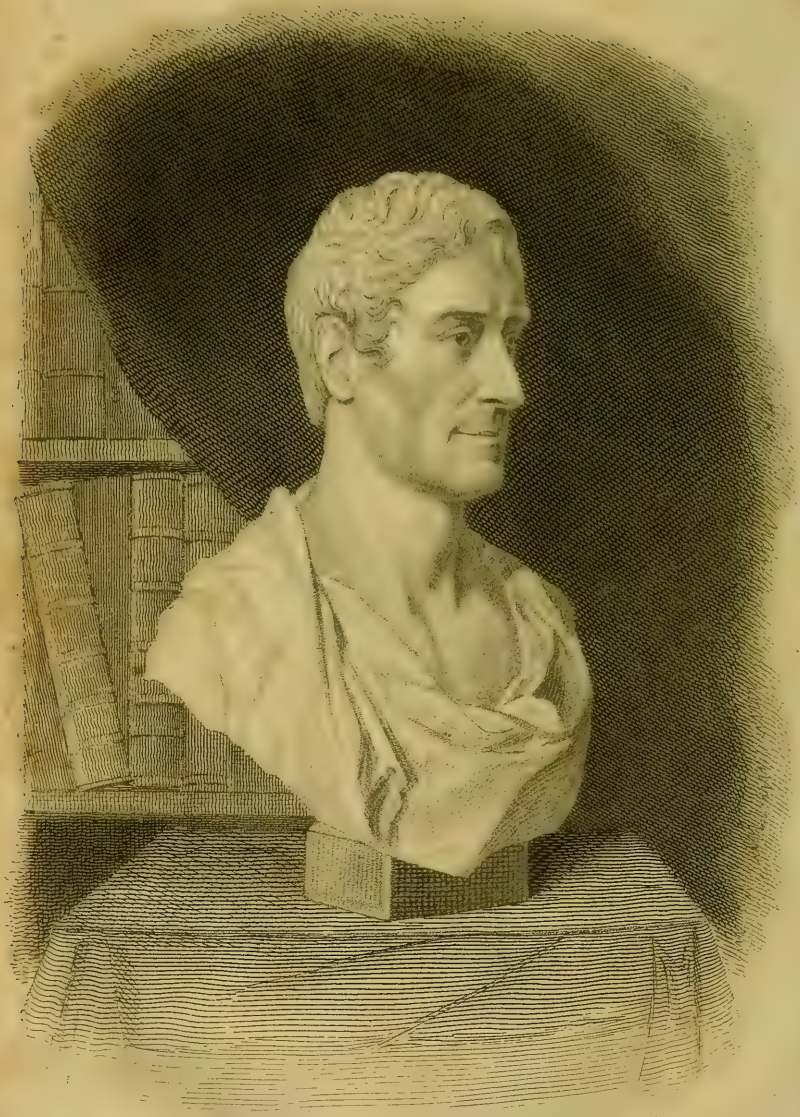
You say, that disposition was altered by her royal highness; in what manner was it altered? The cabin I had intended for the Countess Oldi was altered; an alteration took place in the doors; and Pergami was put into that cabin.

What alteration took place in the doors? The two small cabins which were to have contained the Countess Oldi and the servant-maids had a communication within each other, and when her royal highness came on board, she said that she desired Pergami's cabin should be changed—that he should be placed where the Countess of Oldi was, and she put into another apartment, one of her own, which I had intended for her; there was only a communication between those cabins from the inside, that is to say, that to go into the Countess of Oldi's cabin, you must have gone through the cabin where the maids were; when this change took place, the door was filled in between those two cabins, and brought inside, and opened close by that cabin which her royal highness occupied.

So that after that alteration the door into the room appropriated to Pergami was near the door of the room of her royal highness? It was.

You have stated that Pergami dined at the table with her royal highness; have you ever observed her royal highness walking with Pergami? I have seen her royal highness walk with Pergami.

In what way? Arm in arm; but I think it was at Palermo; and



T. DENMAN ESQR. M. P.

Her Majesty's Solicitor General.

I think I recollect to have seen it at Messina; it would not have been considered by me at all uncommon: I have occasionally seen it, I may say three or four times in the course of the time she was with me; she walked with him occasionally when she went out; and at Palermo and Messina I remember having seen her walking with him arm in arm.

Do you remember, in consequence of a request of Captain Pechell, waiting upon her royal highness with any message from Captain Pechell to her, at Messina? I do.

State what passed between her royal highness and you upon that occasion? When I quitted Messina, it was very much the wish of Captain Pechell, that I should speak to her royal highness about embarking on board the Clorinde; he told me, that Pergami having been in the situation of a servant on board his ship, he could not possibly think of sitting down with him at table; and he said, "it would be very pleasant to me, if you would be so kind as to mention this to her royal highness before you go away, because I am left in a very uncomfortable way here by you;" upon which I asked her royal highness's permission to speak to her upon that subject, which she granted, and I made known Captain Pechell's objection to sit down to table with Pergami; upon which her royal highness said she did not care, that she had thought as I had sat down at table with him, Captain Pechell might do the same, bnt she did not care, it was only to prevent the Captain's keeping two tables that she had Pergami with her; upon which I said, if your royal highness has no objection to Pergami dining from the table, Captain Pechell will be very happy to see you, and to keep the table as I have done.

You say, that her royal highness stated that you had dined at table with Pergami; did you make any observation upon that to her royal highness? I made this observation, that Pergami had never been a servant in my ship; that if he had, it would have been impossible for me to have admitted him to the table.

Did you communicate what had passed between yourself and her royal highness to Captain Pechell? I did.

Then you left Messina? I left Messina on the 11th of December, three or four days after I had anchored there.

CROSS-EXAMINED BY MR. DENMAN.

In the course of the conversations you had, both with Captain Pechell and her royal highness, did you not perceive there had been some little dispute between them, as to the former voyage? I had seen Captain Pechell before I had waited on her royal highness; he came to me as the senior officer, to report himself, and he then told

me the line of conduct he meant to adopt with regard to her royal highness.

Did you not discover, from the conversation of both, that there had been some difference about the stowing of her royal highness's luggage, or something of that kind? On her royal highness's part I did; she repeatedly complained of Captain Pechell not having accommodated her so well as I had done.

Did it fall to your knowledge to know where the Countess of Oldi slept on board the Leviathan? It did.

It was in a room adjoining to that of her royal highness, was not it? It was.

And there was a door opening immediately from the one into the other? There was.

Countess Oldi's room and the princess's divided that part of the ship between them? Precisely so.

And both opened into the dining-room? They both opened into the dining-room.

Each directly by several doors? Each directly by two doors.

Was not the cabin you had provided for the maids occupied by them? It was.

And that also opened into the dining-room? And that also opened into the dining-room; all the cabins opened into the dining-room.

RE-EXAMINED BY MR. ATTORNEY-GENERAL.

The Clorinde was a frigate, and the Leviathan was a ship of the line? Yes, one a line of battle ship, and the other a frigate.

So that there was more accommodation on board of the Leviathan than could be given on board the Clorinde? Certainly.

EXAMINED BY THE LORDS.

Lord Ellenborough.—Was the sleeping place you reserved for yourself in the dining-room closed, or had it merely your cot? It was closed at night and opened in the day.

A Peer.—When you were in your cabin at night, could any person have passed from Pergami's room to that of the princess without being seen by you? I should certainly say it was possible, but I do not think very probable, that any communication could have happened they would have run a great risk of my hearing something of it, but might have been asleep; I should say, I do not think it likely; it frequently happened I was on deck half the night, or so; I was subject to all calls; I was very constantly out on deck at night.

Did you observe any improper conduct take place on board your ship between Pergami and the Princess of Wales? No.

Had you any reason to suspect, that there was any improper conduct between her royal highness the Princess of Wales and Pergami? I saw no improper conduct.

Earl Grey.—Did you not frequently receive, during the night, reports from officers who were on duty in the ship? I did.

They had therefore constant access to your apartments during the night for that purpose? The officer of the watch had constant access to my cabin, whenever any thing occurred that he wished to inform me.

And you were liable to be called up at any moment on any emergency that might occur? I was.

Earl of Roseberry.—After the change of rooms you have spoken of, in going to that occupied by Pergami, was it absolutely necessary to pass through one of her royal highness's apartments? No.

When you were called up at night, must you necessarily pass through the dining-room? No, my cabin was in the dining-room, and the door opened within the screen, so that I could have gone out on deck without passing through the dining-room, but I must have gone just into the angle of it; I had not occasion to pass immediately through it, because the door was close to my cot.

Then you did not pass through the dining-room, but only by an angle? I crossed an angle of the room.

A Peer.—How long was her royal highness on board the Leviathan? She embarked the 14th November, and remained till the 4th of December.

Another Peer.—Were not those officers who came to you at night for orders, obliged to pass through the dining-room before they could get to your cabin. They must come into the dining-room, but not pass through it, because the moment they were over the threshold of the door, they were in my cabin.

Did the screen which constituted your sleeping place include the door at which the sentry is placed? It included the door in part, but not altogether.

Marquis of Buckingham.—Therefore an officer coming through the door at which the sentry is placed into your sleeping place, need not go into the dining-room, but going through that door he would find himself at the door of your room? He must go into the dining-room; mine is a loose screen, he would put the screen on one side, and come to my cot.

What kind of partition was there between the dining-room and the

small cabin occupied by Pergami and the maids? It was a pannelling, double thick canvass with pannels.

Lord Colville.—Was the door a regular door on hinges? Yes.

The door which was next to the princess's sleeping apartment? Yes, a regular door with lock complete.

What was the nature of the partition which divided her royal highness's apartment from the dining-room? A regular wooden bulkhead.

With a door on hinges? Yes.

The partition that divided your sleeping apartment from the dining-room, you are understood to have said was a loose screen; was that so? It was.

Of canvass or baize? Baize, rolled up in the day-time, when my cot was taken down after I had dressed.

And the officer of the watch, or any person wanting access to you in the night, on entering the outer cabin, must necessarily have seen if any of the doors opening into the dining-room were open or shut? Oh yes, no doubt, if it had been light enough.

Did you always keep a light burning in the dining-room by night? No.

Did you within your own screen? No, never.

Earl of Liverpool.—Was there any light in the after-cabin? The light was always with the sentinel on the outside.

Was there a light generally allowed to be burnt in the after-cabin? No, not unless they chose to have a light; if her royal highness, or the countess Oldi, had chosen to have a light; and perhaps they may have had one, but I do not remember to have seen one, when I have occasionally seen the doors open.

Lord Colville.—Did any person sleep in the dining-room during the time her royal highness was on board the Leviathan? Yes.

Who was that person? I think Mr. William Austin was one, he was quite a youth; then I think there was another person, I am not quite sure whether Seignior Scavini did not; I think there were one or two cots; I know Mr. Hannam slept below, I am not quite sure whether Montichelli did not hang up a cot there, there were one or two cots hung up, and I cannot, at this distance of time, recollect exactly who were the persons who occupied them.

Were there any screens round those cots that were hung in the dining-room? There was one screen on the outside, and the pannelling of the cabin made the other side screen, they were hung near that side of the cabin, and there was a screen on the outside of the cots.

Supposing her royal highness to have wished for the assistance of any

of her female attendants, had she any means of communicating with them, by a bell or otherwise? Yes.

State those means? By ringing a bell out of her apartment.

Did that bell lead into their apartment? No, but close by the end of it, so that it could have been heard, and the sentry, if the bell had been rung, would have come in to know what was wanted, and to receive her commands.

Were there two doors, or only one, which opened immediately from the dining-room upon the quarter-deck? There were two doors that opened on to the quarter-deck.

Were they both used occasionally by the officer of the watch at night? No.

Which door did he generally use when he wished to communicate with you? The left door, what we call the larboard door; every one came in at the larboard door.

That was the side on which you slept? It was.

And the door on the starboard side was always kept shut at night? Yes, it could be opened, but it was kept shut and bolted; it was opened for air during the day in the hot weather.

If it happened to be the weather side, would the officer of the watch have entered on the starboard side? No, never; he always came the larboard, and every one else.

Earl of Lauderdale.—What answer did her majesty give you when you stated the message with which Captain Pechell charged you? What I have before-mentioned; after making the remark about his being as good company for him as he was for me, she said, "Well, I do not care, it is only to prevent the trouble of your keeping two tables that he dines with me at all; I do not care then." I remarked, that if she would dispense with his dining at table every thing would be right, and that Captain Pechell had desired me to say he should be most happy to receive her royal highness, and to keep her a table as he had done before; and I left her rather under an impression that he would not have been at table when he went on board the Clorinde, because I remarked is was so very easy for him to have his dinner sent him in a smaller cabin; and I was under that impression that he would not have dined at the table when they embarked.

When her royal highness complained of Captain Pechell relative to the mode in which her baggage was stowed, was that complaint made previous to or after you had communicated Captain Pechell's message? I never heard a complaint made about Captain Pechell at all, except in conversation with her royal highness; she did not appear pleased with the ship; there were no complaints during the time he was under my orders; but this was conversation before Cap-

tain Pechell came, that she had complained of former treatment in the Clorinde.

Earl of Derby.—When the alteration that you refer to took place in the cabins, was that by desire of her royal highness or of any other persons? It was by command of her royal highness the princess to me?

The following question was put by their lordships at the request of Mr. Denman.

Had you not received a complaint from Captain Pechell upon the subject of the inconvenience which he thought he sustained from the manner in which her royal highness's baggage was stowed upon the former voyage? I had heard Captain Pechell say that the ship was a good deal lumbered from the vast quantity of baggage that came on board, of her royal highness and her suite; but it was merely in the nature of a remark, it was not in the nature of a complaint to me as his superior officer.

Was any remark made by Captain Pechell as to the expense of the table he was obliged to keep?

The Attorney-general objected to this question.

Mr. Denman was heard in support of the question, and submitted that it might be material to shew that there was a subject of disagreement between her royal highness and Captain Pechell, which might be a motive for her conduct.

The counsel were informed that many parts of the evidence Captain Pechell gave, should strictly have been first given by Captain Briggs; that if it could be shewn by Captain Pechell or Captain Briggs that some particular reason led to her royal highness's going on board under the circumstances under which she did go on board, that would be a very proper subject of examination.

Mr. Denman having had an opportunity of conferring with his learned colleagues, declined giving their lordships further trouble upon this point.

The witness was directed to withdraw.

SEVENTH WITNESS.

Then *Pietro Cuchi* was called in, and having been sworn, was examined as follows by the Solicitor General, through the interpretation of the Marchese di Spineto.

Do you reside at Trieste? Yes.

Do you now keep an inn there? I am the agent at the great inn at Trieste.

Earl of Liverpool.—What do you mean by agent? I am acting instead of the owner.

Mr. Solicitor-General.—Do you know an inn at Trieste called the Black Eagle? I do.

Who keeps that inn? He is called Vincenzo Bartoletti.

What is the name of the inn of which you are the agent or superintendent? Le Burgo Grande *; the great inn of the town.

Do you remember the Princess of Wales coming to that inn? I remember it well.

In what kind of carriage did she come? A small open carriage with two post-horses.

Who came with her in that carriage? Mr. Pergami was with her, without any other servant, or without any servant at all.

Can you tell about how long it is since that affair happened? I do not remember; about four years ago, I think, more than four years.

How long did her royal highness remain at Trieste at that inn? Six days.

Do you know in what apartment her royal highness slept? I do well.

Do you know also the apartment which was allotted to Pergami? I remember it well.

After her royal highness and Pergami had come in the carriage, in the manner you have described, did the suite come in afterwards in other carriages? They arrived in about an hour after the arrival of her royal highness.

Into what apartment did the bed-room of her royal highness and the bed-room allotted to Pergami open?

Mr. Williams objected to the question.

Into what place did the bed-room of her royal highness open? The door was facing the room of the dame d'honneur, No. 2.

When you say it was facing the room of the lady of honour, what was there between them? The dining-room.

Did the door of the bed-room occupied by her royal highness open into that dining-room? Yes.

Did the door of the bed-room allotted to Pergami open into that dining-room? The room where Pergami slept opened into that of the dame d'honneur, who was his sister, and came into the dining-room.

Besides the door of the bed-room of her royal highness, and the door of the bed-room of the Countess of Oldi, were there any other doors that opened into that dining-room? The door of No. 4, to go out by.

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* Albergo Grande.

Was that the only other door that led into that dining-room? There were no other doors to that room.

Can you state whether that door was fastened at night? It was fastened.

Was it fastened from the inside or the out? I do not know: I do not know whether it was shut from the inside or from the outside: I do not know whether they closed the door themselves, or whether any of the servants closed it.

Was it always closed at night during the six days that her royal highness was there? Always shut up at night, at the time they went to sleep.

What beds were there in the bed-room occupied by her royal highness—how many? There were two beds near one another.

What bed or beds were there in the room that was appropriated to Pergami? One single bed.

Did you at any time in the morning, during the period that her royal highness was at Trieste, see Pergami come out of any room into the dining-room? I have seen him come out of the room of the princess.

About what hour in the morning? About eight, or half-past eight.

How many times did you see that, during the six days that the princess was at Trieste? Three or four times.

Describe the manner in which Pergami was dressed, at the time when you saw him so coming out of the room of her royal highness? He had a surtout made according to the Polish fashion, which had some gold lace behind, that reached from the waist down.

Besides that robe what had he on? He had drawers.

Had he any stockings? Sometimes stockings, and sometimes pantaloons, which are stockings and pantaloons together; but this I cannot precisely say, for I was looking out from the key-hole of my room.

What had he on his feet? It appeared as if he had some strings, as if to fasten the drawers.

At the time when you saw this, was the door of the dining-room opened? It was still closed.

What led you to look through the key-hole in the manner you have described?

Mr. Williams objected to the question.

Mr. Solicitor-General.—Where did you yourself remain in the morning, before you went into the dining-room? In my own room, which was at the end of the dining-room.

What was the situation of your room? My room was between the corridor and the dining-room, having a door that led into the dining-room; from the key-hole of this door I looked into the dining-room.

What were you doing at that door at that time? I was with my breakfast service, to give it in when it was asked for.

Did you go into the room at the time? When they asked for breakfast, I entered the room.

Did you remain there with the breakfast-service, or did you go back? I remained with the breakfast service in my room.

Were you afterwards suffered to go with your service into the dining-room? At the first, to carry away those things that were there, sweep the dining-room, and then take in the breakfast-service.

Did you go in before you were called for that purpose? Never.

During the time that the princess was there, did you ever see her walking with Pergami? All day, every day; they were always together.

How did they walk together, in what way? Speaking together; sometimes in the hall, sometimes in the dining-room, sometimes in the room of the dame d'honneur.

Did they walk together, separately, or in what other manner? Sometimes alone, and sometimes one spoke on one side and the other one spoke on the other side to those of the suite.

When they were walking together, in what manner did they walk together; did they touch each other, or were they separate from each other? They did not touch each other, as far as I have seen, but they were arm in arm.

Did you ever see the princess, while she was at Trieste, walking arm in arm with any other person? The Count Cotto, the vice-governor, came to take her to the theatre, and she gave the right hand to Count Cotti and the left to Pergami.

Did you make any observation on the beds in the bed-room of the princess, whether they had both been slept in, or only one? They were both tumbled.

Did you make any observation upon the bed in the bed-room, which had been assigned to Pergami? Yes, I did.

Did that bed appear to have been slept in? Never.

After Pergami went away, did you make any observations upon the sheets of the bed in the bed-room assigned to Pergami? The sheets had been put on the bed clean, and they were taken away clean.

How many chamber-pots were there in the bed-room of the princess? Two.

Did you observe whether or not they had been both made use of? I say yes.

Was either of the two empty? There was a good deal in each; they were not empty.

In the bed-room of the princess was there more than one basin for washing? There were two wash-hand basins.

Did they appear to be both of them used, or only one? I do not remember that; there are many travellers who wish to have two basins, and yet they are alone.

Were you present when her royal highness went away? I was.

How did she go away? In the same way as she arrived.

Did Pergami go away with her? They set out together without servants, in the same open carriage.

CROSS-EXAMINED BY MR. WILLIAMS.

How soon after did the suite go? A quarter of an hour, not quite so much, almost immediately.

Have you any doubt about her royal highness having remained as much as five or six days? Six days.

Are you quite sure of that? No more.

Are you sure she remained so many as six days? Yes.

Do you remember the day of the week? No.

Can you remember the day she went? I do not; if somebody had told me something, I might have ascertained the point; but as they have told me nothing, I do not remember.

As this is some time ago, probably your memory is not very full and fresh upon the subject?

The Solicitor-general objected to this, as not being in the form of a question.

Had your room, of which you have spoken, a door into the dining-room? A secret door that could not be known to be a door.

A secret door that could not be known to be a door, by anybody that was in the dining-room; is that so? Yes.

Was that part which formed the door covered with tapestry, or was it part of the wood like the rest of the room? It had painted canvass.

Which covered the whole of it, so that a person could not tell that it was a door at all? No.

Was it then quite impossible for a person in the dining-room to discover by any symptom that there was a door? It was impossible, except one of the family, one who belonged to the house.

Was not the reason of its being impossible, because the door was entirely covered with canvass? Yes.

You are understood to say that the reason why no stranger to the room could find out that there was a door there, is that it was wholly covered with canvass? Yes, entirely covered.

Are you still agent, or by whatever name you go, of the Grand Hotel at Trieste? I am after taking the inn which is called the Black Eagle; but if I do not gain the law-suit, I shall continue to be in the Grand Hotel.

You are not asked what you are after, but are you or not at present still agent to the Grand Hotel? I am not sure, because the inn is exposed to an auction every nine years; the lease has expired, and I do not know whether my principal will buy the lease or not, because it belongs to the town.

As agent of the Grand Hotel, was not it your business chiefly to attend upon the guests? I have waited upon them, I am always the first to wait upon them.

Was not your chief business to attend as a waiter upon the guests? Both.

Both what? As I am the oldest servant in the house, I know the rules of the house better than any other person in the family.

Have you any other waiters under you? Two more.

Were they men or women? One had the name of Justo, and the other was called Bernardo Cesare.

You are understood to have said, that you had the superintendence or management of this inn, and yourself assisted as a waiter besides? All the affairs of the family, both those duties.

As it was a great hotel as you describe it, were not there any females engaged as servants at the time the princess was there. There was one.

What was her name? She was called Marie Mora.

When you talk of the door being fastened every night, do not you speak of what was done by the other servants, or some of them? No, the waiter did not do that.

What do you mean when you say that No. 4 was fastened; was it done by the servants, or by yourself? It was shut by themselves; I do not know whether it was from the suite of the princess, or from Pergami; this I do not know.

How long was it after the princess was there, that it happened that you were first examined upon the subject, or said any thing upon the subject? I think about three years before I was examined; it was past two years and a half or three years.

You are understood to have said, that a great number of guests are in the habit of continually coming to that inn? Yes.

It is the chief inn for travellers in that place, is it not? It is the best inn.

At the end of the two years and a half, or three years, who was it that first applied to you, to know what you had to say? Some one who came to dine at the inn, who asked me, "How did the princess conduct herself?" I answered, "I have no reason to complain, she has behaved well."

Were you at Milan? Yes, I have been.

More than once? . If I must go to my country, I must go through Milan; I have been at Milan five or six times.

What countryman are you? I am of near Asti, in Piedmont.

Have you been at Milan, in order to give any account of what you are supposed to know upon these subjects? Yes, about eighteen months ago.

Who examined you there? Colonel Brown was there.

What lawyer assisted him? A lawyer who is here, I do not remember his name.

Would you know it, if you were assisted with it? I know that at Milan, and the lawyer here I know also.

Was it Mr. Powell? Yes.

Was Counsellor Cook there? I do not know how he is called, there was one who appeared to me to be a Milanese.

Was that Vimercati? I do not know.

However, you were at that time regularly examined, were you? Yes.

Was your examination taken down in writing? I believe so.

And you gave a full account there, did you, of the rooms, and all you have told to-day? What I can say before God I have said here, and I said it at Milan.

Have you been examined since you came to this country by the same English gentleman that examined you at Milan? No.

Have you been examined at all by anybody since you came here? I was examined before the presence of the present interpreter, and of the advocate whom we have mentioned.

Where are you speaking of; what do you mean by the present interpreter? I have been examined upon the same business.

By whom? By the same advocate or lawyer, in the presence of you (meaning myself the interpreter) and two other gentlemen.

When was that? I think on the second or third day after my arrival.

How long have you been here? I do not know; but I think it is about a fortnight that I have been there.

Whom did you come with? Signor Capper brought me here.

Did you come with Mr. Capper alone, or any others in company with you? I went as far as Boulogne with a certain Andreatzi, who has been three times at the inn where I was, to take me.

Who is Andreatzi? Andreatzi is a person sent by Colonel Brown rom Milan.

To accompany you on your journey? Yes.

You have received no money? Yes; I did not wish to have any, but he has given me some.

You did not wish for any money? I did not; he told me, take this, and gave me eight golden Napoleons and eleven francs.

You are understood to have said that you did not wish for any money? I did not wish for any money.

True it is that you were examined at Milan, and your examination was reduced into writing, and you have been examined again here? Yes.

That is a mistake on the part of the solicitor-general, as I understand that the room of Pergami did not enter into the dining-room?

The solicitor-general objected to the form of the question.

Their lordships intimated their opinion, that the question was objectionable in its form.

Mr. Williams.—Then it is not true that the door opened into the dining-room?

The solicitor-general objected to this, as an inference from the evidence, and not in its form a question.

The Lord-Chancellor stated, that that which is put on an original examination in the form of a question, was frequently allowed to be put in cross-examination, in the form of an assertion; that it was so put in the shape of assertion, if it was stated to the witness "you have said so and so," but the counsel must be careful to recite correctly the statement of the witness.

Mr. Williams stated, that he was desirous of showing that that statement of the witness to-day, as to the situation of the rooms, varied from the deposition he had formerly made; the form of the question put by the solicitor-general having assumed the position of the rooms to be different from that which the witness had stated.

The solicitor-general stated, in answer, that the form of the question put by him was occasioned by a mistake in his reading the paper before him.

Mr. Williams.—Then is it to be taken as a fact, that the door of Pergami did not open into the dining-room, but into the bed-room of his sister, the Countess of Oldi? Yes.

State to their lordships the name of the party that came to your hotel before the Princess of Wales? The order came from the vice-governor, Count Cotti, to prepare the apartments, half an hour before.

Who were the persons composing the party which arrived at that inn

last, before the Princess of Wales? It is not possible for me to remember; one I do, a man of the name of Perrie, a manufacturer of watches at Neufchatel.

Who composed the party that came next after the Princess of Wales left? It is impossible for me to remember; if I were at home, there is a book where the names of all the travellers were put down.

Do you recollect whether the Princess of Wales was there during a Sunday? I do not remember.

Nor you do not remember the day she came, nor the day she went? I do not remember; from the book every thing may be known.

That book you have left behind? The book is at Trieste, where the names of all strangers are put down.

Can you remember that the princess went to the opera? Yes, she did go.

Was the princess ever at that inn of which you speak more than once to your knowledge? It was the first time she ever had been there.

Has she ever been there but that one time in her life? Once only.

Did you ever see her at Trieste but that once? Once only; she went to Gorrizzia, and afterwards an order came that she was coming no more.

RE-EXAMINED BY MR. SOLICITOR-GENERAL.

You have mentioned there was a female servant in the house, of the name of Marie Mora, where is she at present? She came to beg something to enable her to go to Jerusalem.

How long ago is that, to the best of your recollection? Last spring.

Have you ever seen her since? No.

You have mentioned a servant in the house, of the name of Cesare? Yes, Bernardo Cesare.

Do you know where he now is? I do not know.

How long is it since you have seen him? It is about three years.

Look at this gentleman? That is the gentleman who has examined me.

The witness pointed out Mr. Maule, the solicitor to the Treasury.

Where did he examine you? Here below in a room.

Did he take down in writing what you said? Yes; I do not remember, but I think so.

You have been asked what party it was that came to the house at Trieste, immediately before the party of her royal highness the princess; was there any other princess with any large suite that came there about that time? At that moment there was nobody.

You have said something about receiving eight Napoleons and eleven francs, when was that?

Mr. Williams stated, that he had not asked any question as to the witness having received any money, and submitted that the fact being stated by the witness not in direct answer to the question, did not entitle the Solicitor-general to re-examine upon it.

The counsel were informed, that the matter having come out in the cross-examination, the Solicitor-general was entitled to re-examine upon it.

The question was proposed.

At Boulogne.

How long have you been absent altogether from Trieste? I cannot say, I do not know.

State as nearly as you can recollect? I have left Trieste since the 28th of June.

Do you lose any thing by not being at Trieste? I undergo much loss.

According to the best of your judgment, is that loss more or less than the eight Napoleons and eleven francs you have mentioned? I derive more profit in my house.

Explain what you mean by a law-suit?

Mr. Williams stated that he had abandoned all idea of his intending to refer to the present proceeding, and understood the witness to refer to proceedings in respect of the inn.

The Solicitor-general waved the question.

You have said, that the door communicating from the place where you stood into the dining-room was entirely covered with canvass; explain how it was that you saw into the dining-room? I looked in order to be exact in my service, in order to bring in the service when they called for me.

How could you see into the room if the door was entirely covered with canvass in the manner you have described? I could see, because there is a key-hole that looks into the dining-room.

EXAMINED BY THE LORDS.

Marquis of Buckingham.—Do you know whether during the princess's residence at the inn in question, the Countess Oldi's bed appeared to have been slept in every night? Nobody can sleep in there, because the bed was too small.

Do you know where the Countess Oldi slept whilst the princess remained at the inn? She slept in No. 3.

Did the bed in No. 3. appear to have been slept in every night? The Countess Oldi herself slept there; I know no more.

Do you know where the other female attendants slept during the princess's residence at the inn? As far as I recollect there was one woman who slept in No 1. with children.

Did the bed in No. 1. appear to have been slept in every night? Yes, because there was a boy and a girl.

Was Pergami's bed the only bed which did not appear to have been slept in during the princess's residence at the inn? Never any one.

Do you mean that Pergami's bed was the only one which did not appear to have been slept in? The only one, because the sheets were taken away in the same state as they were put.

Was there any appearance in Pergami's room, either from the pot-de-chambre, or other circumstance, of any person having slept in Pergami's room? I believe there was something; for it is possible that when he went to make his toilette he might have put something into the pot-de-chambre.

You have stated that there were two beds in the princess's room at Trieste, were there two beds in that room before the princess arrived? They were; but they were not so near one another as they were placed after the arrival of the princess.

Were you in the habit of looking through the key-hole when the apartments were occupied by other guests? In the same way.

Earl of Liverpool.—You have stated that the door was all covered with canvass, and yet you have stated that there was a key-hole, through which you could look; explain how that key-hole was placed, whether the canvass was cut as well as the door, so as to leave an opening for the key?

Mr. Williams submitted to their lordships, whether this question was in a correct form.

Earl of Liverpool.—You have said that the canvass covered the whole door, did the canvass then cover the key-hole? Some little matter, as if a knife had been passed through it, a slit by a knife.

Was there a small hole in the canvass? Yes.

Could that have been seen easily from the dining-room? Yes, it could be seen very well.

Would it have appeared from the dining-room like a key-hole, or only a hole in the canvass? Smaller than the key-hole, about one-half, because it was not necessary to shut it from the dining-room, but it was shut from the inside of my room.

When you say it was not necessary to shut it from the dining-room, what do you mean by the word shut? Locked.

How long have you been a waiter at the Grand Hotel at Trieste? From the moment it was opened; it is nine years on the 24th of August.

The witness produced a key.

Interpreter—He says that the key of this secret door was somewhat narrower than this:

Earl Grey.—Was there any door under the canvass? Yes.

Was there any key-hole in the canvass? There was; it went through the canvass altogether, from one side to the other, but with difficulty; it might be discovered from the dining-room, a stranger could not know it.

In what manner was the painted canvass placed on the door, did it hang loose over the door or was it fixed to it? It was fixed with nails.

Was not there then a separation round the door of the canvass on the door from the canvass on the other part of the wall? There was.

Could not that separation be seen by persons in the dining-room? It could not be known.

Marquis of Lansdown.—State whether you made use of the secret door which you have been describing whenever you wished to pass and repass from your room in the course of the day, or was it only on some particular occasion? When I was obliged to serve something in stated hours, I always looked through the key-hole, in order that I might be ready to serve.

Did you make use of that door to enter the dining-room on ordinary occasions, when you had occasion to do so in the course of the day, or did you consider yourself as under the necessity of going round by the other door? Sometimes I made use of it, according where the travellers were; sometimes yes, sometimes no.

Earl of Darnley.—Do you remember whether you made use of that door in the course of the day, during the six days that her royal highness the Princess of Wales was at your inn? I had no need to do so; I never did it.

Was the rest of the room under the same sort of canvass as the door? No; only my door that led into the dining-room.

What do you suppose to have been the thickness of the door? Not so much as an inch; not the thickness of my thumb.

Did the door open inwards or outwards? It was open sometimes from my room, and sometimes from the dining-room; it opened into the dining-room.

The following question and answer were read over to the witness:

"Are you still agent, or by whatever name you go, of the grand hotel at Trieste? I am after taking the inn which is called the Black Eagle; but if I do not gain the law-suit, I shall continue to be in the Grand Hotel."

Lord-Chancellor.—When you stated that, what did you mean? Because I have given a memorial to get this inn, by means of some protection; and I do not know whether I shall succeed, or whether some other innkeeper will have it.

What is it you allude to under the word protection? It is merely between the father and the son, by the means of an acquaintance they had with the innkeeper; they wished to take the inn from me, that I should not succeed to have the inn; and I have paid on account 100 tallas, which is a German money, two florins each.

The following questions and answers were read over to the witness:

"You have received no money? Yes; I did not wish to have any, but he has given me some.

"You did not wish for any money? I did not; he told me, take this, and gave me eight golden Napoleons and eleven francs.

"You are understood to have said that you did not wish for any money? I did not wish for any money."

Earl of Roseberry.—You have declared, that in coming here to give evidence upon this cause you suffer loss; why do you say you did not wish for any money? Because I had money with me; because I had by me nearly one hundred sequins, which I can shew.

Lord Ellenborough.—When you passed from your own room into the dining-room, by the door you call secret, did you push that door from you, or draw it towards you? When I open it, I open it towards the dining-room; when I shut it, I draw it towards my room.

How were the walls of the dining-room covered? Painted all over.

Was the secret door painted? Painted.

Was the colour the same? Yes.

Was it painted at the same time? Yes.

A Peer.—Did the secret door reach from the top to the bottom of the room, or was it of the ordinary size of the doors? It was as high as that; a little higher than my head.

You have said that the canvass that covered the secret door was nailed down; were those nails so nailing down that canvass fixed at the top and at the bottom of the room? Round the door there was wood, and on this wood was a frame on which the canvass was nailed.

You mentioned that previous to her royal highness's arrival, apartments were ordered for her by some person whom you named by description; was it a usual thing for that person to give orders to have apartments prepared for others? No.

In point of fact, was any such order given shortly before, or after, for any other person? If they sent letters of recommendation, then they sent to engage the apartments; if not, not.

The witness was directed to withdraw.

George William Goltermann was sworn as Interpreter.

EIGHTH WITNESS.

Then *Meidge Barbara Kress* was called in, and having been sworn, was examined as follows, through the interpretation of Mr. Goltermann, by Mr. Attorney-general.

Are you the wife of Peter Kress? I am.

Where do you live? At Carlsruhe.

Are you a protestant, a Lutheran? I am a Lutheran.

How long have you been married? Three years.

Before your marriage, did you live at the Post Inn, at Carlsruhe? Yes, I did.

How long did you live there? One year and three quarters.

Did you leave that inn in consequence of your marriage? Yes, that was the reason.

Do you remember the Princess of Wales coming to that inn? Yes, I do.

Do you remember a person coming with her royal highness called Pergami? Yes, I do.

About how long ago was it that the princess came to the inn at Carlsruhe? It might perhaps be about three years.

Do you remember in what room in the house the Princess of Wales slept? Yes, I do.

What was the room assigned to the Princess of Wales; do you recollect the number? Yes, it was No. 10.

What room adjoined to No. 10? It was No. 11.

How was No. 11 used; was it a sleeping-room or an eating-room? It was a dining-room.

What room adjoined No. 11, the dining-room? No. 12.

What was No. 12; was it a bed-room or an eating-room? A bed-room.

Who had that bed-room? Pergami.

Was there a door opening from No. 10 to No. 11? There was.

Was there also a door from No. 11 into No. 12? Yes, a double one: there were two doors which both could be shut.

What sort of a bed was placed in No. 12? A broad bed.

Was that bed in No. 12 before the Princess of Wales arrived, or was it placed there after her arrival, and in consequence of that arrival? There was another there before, but I had been ordered to put a broad bed; I had been obliged to put this broad bed in before the Princess of Wales arrived.

Had the courier of the Princess of Wales arrived before that bed was placed? The courier had arrived, and then I placed this broad bed to which I allude.

Was it your duty to attend to the bed-rooms; were you the chambermaid of the inn? Yes, I was the maid of the rooms, chambermaid.

Do you recollect how long the princess remained at this inn? I cannot say exactly as to the time, but according to my recollection it was about a week, say eight days.

Do you remember on any evening during the princess's stay at that inn, having occasion to go to No. 12, to carry some water there? Yes, I do.

About what time of the evening was it, according to your recollection? Perhaps between seven and eight o'clock.

Mr. Brougham here remarked, that a gentleman near him, who understand the German language, had very properly observed, that the interpreter did not translate the words literally; for instance, that the witness said, "I can't tell" before she said "perhaps between seven and eight o'clock."

The Lo d-Chancellor then desired the interpreter to repeat *all* the words used by the witness.

The witness then gave her answer.

I cannot remember; but to the best of my memory it was between seven and eight o'clock; the minutes I cannot tell exactly.

Do you recollect where the princess and Pergami had dined on that day? No, I cannot remember that.

Upon your carrying the water into No. 12, did you see any persons in that room? Yes, I did.

Who were they? Pergami and the princess.

Where was Pergami when you went into the room? Pergami was in bed.

Where was the princess? She had sat on the bed.

Do you mean she was sitting on the bed? Yes, on the bed.

Could you see whether Pergami had his clothes on or off? I could

not see that; but I had seen as much in the moment I entered as that the arm was white.

Where did you see Pergami's arm? When I entered I had seen that Pergami had his arm round the neck of the princess, and when I entered the princess let the arm fall.

Was the arm of Pergami, which you saw round the princess, white, as you have described it? Yes, as much as I had seen.

Can you describe, whether that white was his shirt, or any other dress that he had on? No, I cannot tell that; in the moment I had not observed that.

What did the princess do, on your coming into the room? The princess had jumped up, and was alarmed at the moment.

Did she jump up on your coming into the room and discovering them in that situation? Yes, she had then jumped up.

The Attorney-general asked the Interpreter, whether the words meant that she had jumped up before the witness came into the room, or that she then jumped up.

Interpreter.—The literal translation of the words is, she got up, or she rose.

Mr. Brougham said, that a gentleman near him, and no more connected with this case than any of their lordships, had complained of the interpretation of the answers. But when asked to come forward and correct the interpreter, he replied he would not intermeddle in such a business.

The doubt in this manner cast upon the interpreter's answers led to some conversation between the counsel at both sides and their lordships, respecting the propriety of having another person who understood the German language present to check the interpreter, as was the case with the Italian interpreter.

Mr. Brougham said, that he would object to any but a sworn interpreter; the Attorney-general had put his question twice over to the interpreter upon not getting from him the answer that suited him.

The Attorney-general appealed to their lordships against the insinuation which had been more than once levelled against him. The learned counsel said, that the interpreter had given an answer which did not suit him, (the Attorney-general.) What did he mean by the observation? He had

here a duty cast upon him by their lordships, and he wished to conduct the duty intrusted to him fairly, and honourably, and justly. If the interpreter should mistake any words, let the mistake be explained, or let a more fit person to interpret be procured; but do not suffer the learned counsel to ascribe motives to him which he had not; or to say that any answer would not suit him; his only object was to get at the truth.

Mr. Brougham disclaimed any intention of casting any aspersion or ascribing any motive to any one. If he did ascribe a motive, he should be prepared, when the proper time that suited him came to justify the imputation of that motive. But here he had cast no aspersion. The whole of the interruption that had taken place was of the Attorney-general's own seeking. It was, said Mr. Brougham, "*he*, not *I*, who caused that interruption."

The Attorney-general.—If my learned friend did not mean to impute a motive to me, why have said the answer did not suit me?

Mr. Brougham.—I repeat, that saying the answer did not suit you was not imputing any objectionable motive.

The Marquis of Buckingham here rose and said, that the presence of their lordships ought to restrain any counsel from presuming to impute improper motives to another counsel employed in the case, and ordered to proceed in it by their lordships. He hoped, therefore, that the learned counsel would be now instructed by their lordships not to presume to assert that other counsel were not actuated by as pure motives as he was himself.

Earl Grey was sorry that any thing had occurred which looked like a bickering among the counsel at the bar, and still more that it had excited the attention of their lordships. He should, however, object to the instruction suggested by the noble marquis, because he thought no such instruction was necessary, and that it could not be given by their lordships without implying an imputation upon the counsel receiving it, which in this case being undeserved, would be unfair. He

did not understand the learned counsel to impute improper motives to the counsel at the other side. He certainly understood him to say, that the answer given by the witness did not suit, but he did not understand the expression to be intended improperly. He, however, hoped that the counsel at both sides would, in the performance of their respective duties, preserve a becoming sense of temper, and carefully abstain from any expressions which were calculated to interrupt that coolness and decorum which he trusted it was the anxious desire of all parties should characterize the whole of their proceedings in this case.

The Lord-Chancellor then ordered that the sworn interpreter should be desired to repeat the answer given by the witness, first in German, and next in English.

The questions were again put to the witness in the following manner :—

When you came into the room, where was the princess? Sitting on the bed.

What did her royal highness do on your going into the room? The princess was frightened.

[Some difficulty here again occurred respecting the meaning intended to be conveyed by the witness.]

Did the princess get up, or jump up, in the presence of the witness? When I entered, the princess had got up.

[Here again some objection was taken to the interpretation put by the interpreter upon the answers of the witness.]

The interpreter expressed an anxious desire to explain the answers as the witness intended to convey them. The words, he said, used by the witness, and in which she stated that the princess was in the act of rising when she entered the room, were, *in der hohe,* which literally meant "in a state of being high."

The Bishop of Peterborough said, he hoped their lordships would excuse him for interrupting their proceedings, and stating, that, in his opinion, the interpreter did not give the translation of the German words in the English language with the faithful meaning which the idiom of both languages required The German words were certainly not rendered suit-

ably in the English words used by the interpreter. His translation was not as faithful as it might be.

Lord Holland said, that, under the circumstances in which they were placed, they ought to have a sworn interpreter, to interpret the words of a witness with the utmost precision.

The Lord-Chancellor desired that the counsel at the opposite side should furnish a German interpreter, to check the other interpreter, as in the case of the Italian one who had recently acted.

Mr. Brougham said, that he must object to the sense of any words of a witness being taken, through the medium of any other person than a sworn interpreter. He was not at this moment prepared with such a person; he hoped, therefore, their lordships would delay the examination of this witness, until he could procure a suitable interpreter to correct and check the person provided by the counsel at the opposite side.

The attorney-general said, that he had another interpreter ready, if their lordships did not deem the present person competent.

Mr. Brougham said, that he was not ready with one to check this new interpreter, and he hoped that, until he was prepared, their lordships would not proceed with the examination of this witness.

The Earl of Liverpool said, that if a sworn interpreter, when produced, did not give proper satisfaction in the discharge of his duty, the opposite party ought to be called upon, or at least such he thought was the course of proceeding, to furnish another. He still thought that the production of a new interpreter must be grounded on some objection taken to the preceding one. No man was more competent than the right reverend prelate to judge of the fitness of the interpreter to perform his duty; and he thought that, without going further, enough had occurred to justify their lordships in calling upon the opposite counsel for another interpreter.

Lord Grenville observed, that a word may have two meanings, and in such a case it was desirable that the interpreter should state both, to enable their lordships to ascertain from a

witness which of the two he meant to deliver. If the interpreter had, however, made a mistake in translating words which any noble lord was of opinion had but one meaning, then he thought that the person discovering the error was right, was indeed bound to apprize their lordships of the circumstance. He felt therefore obliged to the right reverend prelate for cautioning them against the error into which they might be led by the present interpreter.

The Lord Chancellor called upon the counsel for the queen to produce another interpreter

Mr. Brougham said it was no fault of his that he was not prepared at the moment with a German interpreter: he had this day expected none but Italian witnesses, and had accordingly prepared himself with only an Italian interpreter. The difficulty in which he was now placed, and which had caused an interruption in their lordships' proceedings, was the consequence of the decision of their lordships, the wisdom of which he did not now presume to question, by which he was refused a list not only of the names, but even of the places to which the charges applied. It was the ignorance in which he was thus kept that left him unprepared with a German interpreter at this moment. The first witnesses were Italian, the next was a German, and perhaps after that witness was done with, he (Mr. Brougham) would, on the spur of the moment, be called upon for a Tunisian, a Turkish, a Greek, or an Egyptian interpreter; for in all these countries the queen had been: she was at Tunis, Athens, Egypt, and the Holy Land; and from all these places he was, he presumed, to conjecture that interpreters would be required. This was the difficulty imposed upon her Majesty's counsel by the refusal of their lordships to furnish a list of the places to which the charges referred.

The Attorney-general replied, that his learned friend could not, with justice, complain of being taken unawares respecting the necessity of a German interpreter, for he had, in his opening speech, distinctly alluded to a circumstance occurring at Carlsruhe.

Mr. Brougham hoped his learned friend would save the trouble of any future mistake by stating to what country his next witness belonged. The Attorney-general made no reply.

The Earl of Morley said that the better way at present would be to call on the interpreter for a further explanation of the words used by the witness, and repeat the German, to have it heard by such of their lordships as understood that language.

The Duke of Hamilton said, that as the counsel for her majesty were unprepared at this moment with a German interpreter, and as no blame whatever attached to them, under the circumstances, for not being provided with such a person, he thought their lordships had better postpone the further examination until to-morrow.

The Earl of Liverpool said, he saw no objection to a reasonable delay, if required by the counsel.

Earl Grey concurred with his noble friend (Lord Grenville), that it was quite impossible for any noble lord to hear a mistake committed by the interpreter without at once interposing to set the matter right. But then he trusted their lordships would feel the extreme inconvenience of this sort of interlocutory discussion among themselves; and he humbly suggested, that whenever in future any noble lord thought the translation of the interpreter imperfect, he should, by a question of his own at the instant, endeavour to have the answer accurately conveyed.

After a few words from counsel at both sides, it was agreed that no other witness should at that hour of the day (4 o'clock) be called.

The Lord-Chancellor put it to their lordships whether to morrow, being Saturday, they would sit after 4 o'clock? [Intermingled cries of "until 5 o'clock."]

It was, however, eventually determined that they should not sit to-morrow after 4 o'clock.

The queen entered the house, and took her seat, during the examination of the last witness.

NINTH DAY—SATURDAY, AUGUST 26.

THE house was called over at ten o'clock.

Charles Kersten was sworn, as interpreter on behalf of her majesty.

Then Meidge Barbara Kress was again called in, and further examined as follows by Mr. Attorney-general, through the interpretation of Mr. Goltermann.

You have stated yesterday, that when you entered the room, No. 12, on one evening, you saw the princess sitting on Pergami's bed; what happened after you saw the princess sitting on Pergami's bed? Am I asked the same evening still.

What did you see, when you observed the princess was sitting on Pergami's bed? I have seen the princess sit on the bed, and afterwards I withdrew.

Before you withdrew, what did the princess do; did the princess continue sitting, or what else occurred? I saw that the princess jumped up, I withdrew, I was frightened.

You are understood to say, that you then withdrew? Yes.

Did you make up the bed in No. 12, Pergami's room? Yes.

Did you at any time, when you were making up the bed, discover any thing upon the bed? On the bed do you mean.

On or in the bed? In the bed I have found a cloak.

Was that a cloak appearing to belong to a female? Probably; because behind it had a kind of hood.

What did you with that cloak? I took it out and unfolded it.

At what time of the day was it you found this cloak in the bed? It was in the morning, when I made the bed.

Describe a little more particularly the cloak—what it was made of? It was of silk, the colour grey.

Did you afterwards see any one wearing that cloak? A servant took it out of my hand.

Did you see any person wearing that cloak afterwards?

Through the interpretation of Mr. Kersten.—I have seen a cloak the next day upon the princess, but I cannot say that it was the same.

Mr. Attorney-general.—Was it a cloak of a similar description to that you had seen upon the bed, that you saw the princess wearing?

Through the interpretation of Mr. Goltermann.—Yes, it was of the same colour.

Do you know whether it was of the same make—whether it was of silk that you saw upon the princess? Yes, it was likewise silk.

Had the cloak the princess was wearing a hood like that you saw in the bed? Yes, it had such a hood.

Did you, at any time, in making up the bed, observe any thing else upon the sheets, or any part of the bed?

Mr. Kersten.—The word she uses is a word that cannot be expressed in English, unless by asking her what she means by it; she says, when once I made the bed I saw that the sheets were. Now she says "wiiste;" she may mean by "wiiste" in disorder, that is generally understood by this word: it is an adjective. "Wiiste," in its proper meaning, is the English word "waste." "Eine wiiste" means a desert.

What do you mean by the bed being "wiiste"?

Mr. Goltermann.—She is rather at a loss to explain it.

Mr. Kersten.—She says, it had stains.

Mr. Goltermann.—She was at first at a loss to express it, but afterwards she said it had stains.

The interpreters were directed to give the interpretation of the evidence, word for word.

What sort of stains were they?

Through the interpretation of Mr. Goltermann.—As much as I have seen, they were white.

You have stated that you are a married woman? Yes.

What did those stains appear to be? I have not inspected them so nearly, but I have seen that they were white.

Have you ever made the beds of married persons? Yes; I have made all the beds that were in the house generally.

What was the appearance of those stains which you saw in Pergami's bed? You will pardon me; I have not reflected on this; I have had no thoughts on it whatever.

Mr. Brougham stated, that he had but few questions at present to put on cross-examination, but that he should reserve the bulk of his cross-examination to a future time, after inquiry had been made.

It was suggested to the counsel, whether they had not better reserve the whole of their cross-examination till a future time.

Mr. Brougham stated, that he wished to put some questions, in order to lead to those inquiries.

The counsel were directed to state the line they proposed to take in dividing their cross-examination.

Mr. Brougham stated, that he apprehended it was to follow, from being refused a list of the witnesses, that after the witnesses were examined at first, they were then to have an opportunity of being put into the same situation as if they had obtained knowledge of their names and places before, by being enabled to cross-examine them again at a subsequent part of the proceedings, though he could not regularly allude to the grounds of that understanding.

Mr. Denman begged to call their lordships' attention to what had passed since the commencement of this inquiry, in regard to another witness.

The counsel were informed, that no rule was laid down at present, and were directed to state what was the nature of their application; but that nothing could be more irregular, or more inconsistent with justice, generally speaking, than cross-examining a person more than once.

Mr. Brougham stated, that he was ready to admit cross-examining by piece-meal, in general cases, would not be regular, but begged to submit to their lordships the peculiar nature of their present position; that they had at first afforded to them no knowledge of the present situations or residences of any of the witnesses that were to be called against her majesty; that they had, in the second place, no intimation given to them of either the time with a convenient certainty, or the place with a convenient particularity, at which the alleged acts were said to have taken place, and that this peculiarity of their situation might well be deemed justly to authorize this other peculiarity, that instead of being called upon to cross-examine at once, and, as it were, *unico contextu*, they should take advantage of an interval after the case against her majesty had been gone through to enable themselves to pursue that examination with greater effect after they should have been made acquainted with time and place.

The counsel were informed, that if their intention was to

cross-examine the witness as to her family, or connexions, or situation in life, all that might be ascertained now; but that if they proposed to go into circumstantial evidence beyond what was sufficient to enable them to pursue the inquiries they might think necessary to justice, it was apprehended that could not be; and that that which was permitted to be done when Majocchi was called back was extremely irregular; and therefore, that until the matter was further considered, must not be taken as a precedent.

Mr. Brougham stated, that with respect to the circumstantial evidence he should go no further than his lordship had suggested; namely, as to the certainty of time and place, leaving all the circumstances to a future examination; and that he proposed to go into the description of the person, her residence, and circumstances of that nature, leaving further questions on that point to the result of future inquiry; that if any of his questions appeared to go beyond that which their lordships were pleased to permit, he trusted he should not be considered as intending to trench upon their lordships' rule.

The counsel was informed that he might proceed.

CROSS-EXAMINED BY MR. BROUGHAM.

How long were you chambermaid at the inn?

Through the interpretation of Mr. Kersten.—One year and three quarters.

Were you married at that time? No, I was not.

You were not married till you left the inn? I married after having left the inn.

What were you before you were chambermaid at the inn? I served likewise before.

In what place were you before that? I was at a village called Beyertam.

What service were you in before you were in the inn as chambermaid? I have been with the Geises just before; I was just before at my father's, before I went to the inn, for a quarter of a year.

Were you in any other family as a servant before that? Yes.

What family? At Beyertam, at several families.

Name one of those families? Marwey.

Who or what is Marwey? He is a landlord of an inn.

Were you chambermaid in his house? Yes.

How long? Half a year.

Where did Marwey live? He lives at Beyertam; the name of the place is Beyertam.

Where were you before you were in his family? At a servant's of the Grand Duke of Baden.

How long? Six years.

How old are you now? Past twenty-five.

Were you a servant anywhere before that time? No, I came to that place just on leaving the school, on leaving my father's house; on leaving school I was going to say, that I was in another place for half-a-year.

What was that place? At Carlsruhe.

What was the name of the family? Schuabel.

What is Schuabel? A landlord.

Were you chambermaid in his inn? Cellar-maid.

What is the office of a cellar-maid in an inn? I have cleaned the rooms in the inn, where the master and mistress were, I have cleaned the public room in the inn.

Had you any other employment at any time besides those you have mentioned? None. Besides the public room of the inn.

Is a waiter in an inn called a keller? Keller is a man-servant.

Is killermadchen, which you have described yourself to have been, a woman who attends upon the man-keller? She has nothing to attend to, but to clean the rooms of the inn.

How long have you been here? This day three weeks.

Whom did you come over with? With a courier.

What is his name? Reissner.

Was anybody else with you? I took my brother with me because I did not like to go by myself.

What is his name? Frederick Cleinbech.

How old is he? I cannot say this.

About what age? About twenty-eight, I cannot say to a certainty.

Who paid for your expenses coming over? I do not know what the courier paid during that time.

Who asked you to come over here? At Carlsruhe our minister Monsieur Berstett.

Did any other minister speak to you on the subject? When I was there, I had seen nobody else when I was with him.

When you were at Carlsruhe did any other person speak to you about coming over here? Monsieur de Grilling.

Who is Monsieur de Grilling? He is at court, I do not know what office he holds there.

Did any other person besides speak to you upon coming over? The ambassador of the court of Wirtemburg, whilst I was still at the Post inn.

Did any body else speak to you about coming over? Monsieur de Reden.

Who or what is Monsieur de Reden? They told me he was the ambassador of Hanover.

Does he live at Carlsruhe? Yes.

Where does he live in Carlsruhe? He lived at a Jew's, whose name was Kusel.

Did he ever live any where else, but at the Jew's? I cannot say this.

Did he often come to the inn where you were chambermaid? I never saw him at the inn.

Did he examine you upon this subject? A Monsieur de Grimm asked me first.

Who is Monsieur de Grimm? The Ambassador of Wirtemburg.

Did you ever leave Carlsruhe before, to go anywhere else on this business? Yes.

Were you ever at Vienna upon this business? No.

Did you ever see Colonel Brown? No.

Did you ever see Colonel Deering? I know not what was the name of the gentleman where I was.

Where were you, in what place? At Hanover.

When did you go to Hanover? It was on leaving the Post inn I was called to go there; the same quarter of the year.

Who called you to go there? Monsieur de Reden.

How long did you remain at Hanover upon that occasion? Six or seven days, I cannot tell exactly.

Were you examined there upon this subject? They asked me whether I had seen such and such things.

Did you go back from Hanover to Carlsruhe? Yes.

What did you get for going to Hanover? I received a small payment, just for the time I had lost.

How much was that small payment? I cannot exactly tell, it was little, very little.

About how much was it? About sixteen or eighteen ducats; of which each makes five florins.

What wages had you at the inn? We had only twelve florins a year at the inn, because they reckoned much upon the perquisites.

Did any body else give you any thing besides the sixteen or eighteen ducats? No, I received nothing else.

You are not asked whether you received nothing else at that time, or on that journey; but have you received nothing else? I have been obliged another time to go to Frankfort.

Who fetched you to go there? The valet de chambre of the Hanoverian minister went with me.

How long did you stop at Frankfort? Four or five days.

Were you examined there? They asked me what I had seen, and then I told it in the same manner.

Do you mean you then told it in the same manner as you have here? I have said the same thing as I said here.

What did they give you, for going to Frankfort? Twelve or fourteen ducats.

Has any body given you any thing else? No, except the gentleman who fetched me from the Post.

Do you mean the courier? I know not what he was; he was a foreigner or stranger.

What did he give you? He caused me twice to go there.

To go where? To the Post, and then he told me that I should go to London; I said I would not until I was forced.

What did he say? He said I had better go, for it would come to that, that I should be obliged to go; then I said I would let it come to that point.

Did he give you any thing. He gave me a ducat for my trouble for having called upon him; because I was then occupied.

Did he give you a ducat each time you called upon him, as you say you called twice? No, only the second time.

Did he promise you any thing? Nothing at all, because I said I would not go.

The Counsel were directed to withdraw.

The Earl of Lauderdale said, the reason alleged for this cross-examination was, that there had been no previous list of witnesses, and that consequently their occupations and place of residence were unknown. He presumed, therefore, that in permitting this cross-examination, their lordships meant to put the parties in possession of this information. But a cross-examination which went to the credit of the witnesses, with an understanding that there was to be a subsequent cross-examination, was, in his opinion, so objectionable, and so destructive of all justice, that he could not believe it was their lordships' intention to permit it. He maintained that many of the questions put by her majesty's counsel went directly to the credit of the witness, and could not be vindicated as necessary to give a knowledge of her resi-

dence. Such a proceeding might be attended with injurious consequences to the party accused, when the prosecutor came to sum up; and, on the other hand, was it fair towards the prosecutor? Was it to be permitted, that a person accused should conduct a cross-examination, which might enable him afterwards to impeach the credit of witnesses by facts founded not upon the examination, but upon his own cross-examination? Such a proceeding was altogether unprecedented, and he had taken the opportunity of interrupting their lordships, because he conceived it to be a proceeding most fatal to the interests of justice.

The Lord-Chancellor thought that this examination, if he might be allowed to give his opinion, had gone far beyond the limits prescribed to the counsel. If confined to name, place of residence, and occupation, no objection could be made, but if it proceeded with questions tending to impeach the credit of the witness, nothing could be more irregular or more dangerous. If a cross-examination to this extent were allowed in the first instance, it could not be subsequently repeated. For otherwise in what situation would the House be placed. If such an examination were permitted, before the cross-examination was concluded, or the re-examination begun, their lordships could not put a single question to the witness. He concurred also with the noble lord who had last spoken, that such a proceeding would be unjust to the illustrious person accused, because it might make a material difference in the manner in which the prosecutor might sum up in support of the Bill. In every view, therefore, it appeared to him that this cross-examination had gone a great deal too far.

Mr. Brougham begged to know the limits to which it was their lordships' pleasure to confine him.

The Lord-Chancellor.—The counsel will confine themselves to such questions as may be necessary to ascertain the person, residence, and mode of life of the witnesses, but they must not go into minute inquiries.

Lord Sidmouth thought that the necessity of any cross-

examination to these points, upon the ground that no list of witnesses had been furnished, was a plea which could not be maintained. If a list of witnesses had been granted, it would have contained only a statement of the name, occupation, and place of residence of each witness. The three first questions, put by the Attorney-general, furnished that information, and he saw no necessity, therefore, for any cross-examination upon those points.

Lord Liverpool observed, that it was entirely in the option of the learned counsel to enter immediately upon the full cross-examination.

Mr. Brougham said, he perfectly understood that he was at liberty to enter into the full cross-examination now; but he had felt it necessary to defer it, for reasons which he had already stated to their lordships. At the same time their lordships would perhaps allow him to state what the question was which he meant to put. He wished to ask, with a view of identifying the person of the witness, and therein strictly confining himself to the limit laid down by their lordships, whether her brother was now here (Cries of no, no,)? He supposed then he might ask the witness where she was now?

This question being also objected to,

The Duke of Hamilton said, he could not help viewing this question in a very different light from the noble viscount (Lord Sidmouth), who had just spoken. If a list of the witnesses had been granted two months ago, her majesty's counsel would then have had such opportunities of inquiring not only into the residence but the character of the witnesses, as might have rendered a delay of the cross-examination unnecessary. He would make no observations upon the doctrine laid down by the noble and learned lord. The course might be contrary to the practice of the courts below; but it appeared to him that, by the rule prescribed, the counsel would be precluded from going into those inquiries which were most essential to their client's defence.

Lord Sidmouth repeated, that the plea of necessity for this cross-examination, on the ground that no list of witnesses had

been furnished, could not be maintained. The names, occupations, and places of residence, were all the information that would have been given in such a list, and this information had been furnished by the answers to the three first questions of the Attorney-general.

The Earl of Liverpool said, the whole question was, whether the witnesses were to be sifted twice upon points connected with character. If there were to be two cross-examinations, it was fit that the first should be confined to name, residence, and occupation, and such facts as came out in the direct examination.

The Lord-Chancellor could not agree with what had fallen from the noble viscount (Lord Sidmouth), that the questions put by the Attorney-general had quite the same effect as if a list of witnesses had been allowed. If a list of witnesses had been granted six weeks ago, such inquiries might have been made as to render all examination as to residence and occupation unnecessary. He knew no way of proceeding so as to do justice on both sides, but to impress upon the counsel as respectfully as he was able, that this House was endeavouring to do justice. It was difficult to limit specifically the questions which might be put by counsel, but he trusted they would be such as to come *bonâ fide* within the principle laid down by the House. He apprehended the question last put by the counsel did not come within that principle, because an inquiry into the present residence of the witness went directly to impeach her credit. At the same time, if it was their lordships' pleasure that this question should be put, God forbid that he should interpose. He only wished to impress upon their lordships the situation in which they were placed. If such a course were permitted, not only would it be impossible to enter into the re-examination, but it would be impossible for their lordships to put a single question to the witness. He trusted that the counsel would repose in the honour of the House, whose anxious endeavour was to do justice on both sides; and, on the other hand, he doubted not that the House would repose in the honour of

the counsel, who, he was persuaded, would put no other questions than those which came *bonâ fide* within the rule laid down by the House.

The Earl of Donoughmore said, he agreed entirely with the noble and learned lord, as to the line of examination which he had just marked out. By pursuing this course her majesty would be placed precisely in the same situation as if the trial had been for high treason, and a list of witnesses had been furnished. He did not complain of her majesty's counsel for endeavouring to get the completest information they could for their client's advantage, but it was the duty of the house to stop them when they proceeded irregularly. He was of opinion that the house ought to have stopped them long ago. He must say their lordships had fallen into great error in the course of these proceedings, and had it not been for the deference which he felt to higher authorities he should have interposed long ago. He thought it extremely improper, in the examination of that man Majocchi—

Earl Grey rose to call the noble lord to order. He submitted to their lordships, whether the proceedings ought to be interrupted by such a discussion as the noble lord was now entering into?

The Earl of Donoughmore would pursue that point no further; but he had other and still stronger reasons to shew that the house was in error. He maintained that he was strictly in order, and he should be happy to hear his noble friend convince him that he was not in order. The noble and learned lord on the woolsack had said, that the house had got into error, yet nobody had called the noble and learned lord to order. He presumed that he had as much right to notice the irregularities of the house as the noble and learned lord. It was admitted that their lordships had fallen into irregularities, in which they did not mean to persevere for the future. The facility of this house might possibly have occasioned great irregularities and great injustice out of doors. He agreed entirely in what had fallen from Lord Sidmouth. In ordinary cases the cross-examination followed the examination in chief;

and why should it not in this? It was alleged that a list of witnesses had not been granted, but the noble viscount had shewn, that all the information which would have been given in such a list was supplied by the examination in chief. The maxim of "*nunc pro tunc*" applied, and the same advantage was given now, which would have been afforded, if a list of witnesses had been furnished in the first instance.

Lord Erskine was surprised to hear his noble friend, after having expressed his concurrence with the noble and learned lord, proceed also to express his concurrence with Lord Sidmouth, with whom the noble and learned lord did not agree.

Earl Grey observed, that after the general approbation with which their lordships had received the observations which had fallen from the noble and learned lord on the woolsack, it remained only to ascertain their lordships' pleasure with respect to the last question put by the counsel at the bar.

The Lord-Chancellor—As many as are of opinion that this question should not be put will say Non Content.—Carried [cries of "Go on, go on!"]

Mr. Brougham.—I understand your lordships to say, that you will place us in the same situation ————

The Lord-Chancellor.—This house must now proceed; if you mean to propose another question, and that question be objected to, you shall be heard in its justification; but the house cannot permit counsel to make observations upon what has already been decided by this house.

Mr. Brougham—I am most willing to subscribe to the rule laid down by your lordships; but it is necessary, as your lordships will perceive, that I should understand that rule. I was going to state to your lordships the difficulty I had in understanding it. With respect to the particular question upon which your lordships have decided, we have been heard neither one way nor the other. Your lordships will now permit me to suggest another question; and if that be objected to, I understand your lordships will allow me to be heard in support of it. I wish to know the names and residences of the different witnesses, your lordships not having permitted me to be fur-

nished with a list of them. I ask the witness, what is her place of residence? Where do you live in England (*Order, order!*)? Did I not understand your lordships to say, that if the question were objected to, you would hear me in support of it? I ask the witness, where does she now live in England?

The Attorney-general.—Allow me, my lords, to make a single observation on the course now about to be adopted. I understood your lordships to have distinctly stated, at the outset of the proceeding, in case my learned friends, who are counsel for her majesty, shall offer to your lordships sufficient grounds for having this witness, or any other in the same circumstances, only cross-examined in part, that they should be at liberty so to do, but not to exceed some reasonable and certain limits. But the rule now applied for is, not that it shall be limited in this manner, but that the cross-examination of all the witnesses shall only take place in part until the examination in chief shall have been completed. Surely your lordships will not give my learned friends such an election. If such a course be adopted, I have no hesitation in saying, it will be subversive of the first and best interests of public justice, and laying down a bad precedent in all future proceedings of this nature. What is the hardship complained of on the other side? Why, that they have not had a list of witnesses. But your lordships have relieved them from the difficulty. You have allowed them to cross-examine twice; and, before the bill closes, they may be re-examined again [withdraw; Order! Go on].

Lord Erskine.—Why does not the interpreter give the witness's answer?

The Lord-Chancellor.—Because the house objects to the question.

Lord Liverpool.—Does the Attorney-general object to the question?

The Attorney-general.—I do object to it, my lord. This is perhaps the most important question that has yet occurred. Unless my learned friends now cross-examine the witness, how are we to proceed? Am I to lay the whole of the evidence in

support of the bill before your lordships, and that before there is any cross-examination at the other side? Why, my lords, such a proceeding was never heard of in any other court of justice. Is the cross-examination to proceed in this manner, by piecemeal? If it be, I shall be shut out from offering any explanation as to circumstances disclosed by the witness that may be even necessary; and it will be impossible for your lordships to place those who are to support the bill in the situation in which they ought to be placed. Why, my lords, until the whole of the cross-examination and the re-examination be closed, there can be no summing up by counsel. They now cross-examine in part—again, they cross-examine in another part, and when or where is this to end? Let them either now proceed in the cross-examination of the witness, or defer it till the whole of the evidence in chief be closed; but they should not have the election they are requiring. They are placed in no difficulties at the other side, but what your lordships have agreed to relieve them from. Your lordships' rules are founded in justice, but while you deal out justice to one side, I hope your lordships will not forget what is due to the other, and not place the parties in support of this bill in such a situation as no persons were ever placed before. I hope, my lords, the rule your lordships have laid down will be continued, and that you will oblige them to proceed with their cross-examination at the other side, with the permission of again cross-examining, if they lay proper grounds before your lordships. I beg pardon, my lords, if I have been irregular in making these few observations. It is the first time I have said any thing on the subject; but my learned friends, who are engaged with me, all assent to, and feel the importance of, this subject. I particularly wish to address myself to those learned lords who are in the habit of judicial investigation, and I beg to ask them, if ever the examination-in-chief was closed, before the cross-examination was gone through?

Lord Darnley.—Nothing has been said on the impropriety of putting this question.

Mr. Brougham.—I shall confine myself to the simple ques-

tion before your lordships, and shall not presume to dispute the rule you have laid down. The only question I have now to contend for is, shall or shall not my question be put and answered?

Here the learned judges seemed in consultation, and after a pause,

Mr. Brougham resumed.—The question before your lordships, and the only question which must be first disposed of according to the practice of all other courts, is, whether I am at liberty to ask this witness where she now lives? The Attorney-general objects to this; and his ground of objection is, that I ought now to put not only this, but all the other questions which I have to put. His argument is not directed against this question, but that I don't put all the questions in my power to ask. But I won't argue this before your lordships. I am not called upon to do so. Your lordships have put me to my election, and I have made it, and within the narrow limits chalked out to me, I shall proceed to the cross-examination of the witnesses. I don't argue against the rule, as laid down by your lordships, but am quite sure your lordships could not think of laying down any rule that would bind me one way now and another way in a few minutes. You cannot all of a sudden change your rules: I cannot for a moment imagine you would do any thing so monstrous. My question now is, where does this witness now live?

Several noble Peers.—In England.

Mr. Brougham.—Yes, where does the witness now live in England? In a case of high treason we could have all this in the list of witnesses; we could have had Barbara Kress formerly of Carlsruhe, and now of such a place, and such a parish in London or Middlesex, or wherever she might reside.

The Lord-Chancellor.—I feel a great difficulty on this, not on account of the importance of the present question, but as to the consequences leading to result from permitting such a mode of procedure. With reference to a former opinion, if I am not out of order in mentioning it, I have to say circumstances have since arisen that have led considerably to alter it.

But supposing your lordships to adhere to the rule laid down, the question is, whether with due application to that rule, the question put by counsel should be permitted? For myself I objected to the last question being put, and on the same grounds I now object to this. If a list of witnesses had been given, the counsel could not ask this witness "Where she now lives," unless he proceeded to the whole of his cross-examination. If I am wrong in this opinion, I am wrong after all the experience I have had for so many years; and wrong in common with the learned judges who sit near me; and I say the question cannot now be asked without going through the cross-examination. If this house has really adopted the right mode, for God's sake abide by it. But if it would be doing injustice to one of the parties, and to that one most interested, do not let any notions of inconsistency prevent your retracing your steps [hear, hear!] and do what is right. It is clear that at present the counsel for the prosecution cannot be called on to re-examine; and I apprehend your lordships cannot call for the summing up until the whole of the cross-examination and the re-examination be gone through. I go further and say, when the cross-examination is deferred, the re-examination must be deferred. It is not justice merely to ask a single question and defer the remainder of the cross-examination. Your lordships must lay down some rule beyond which you will not go, what may be the safest limit you will determine as to the cross-examination of witnesses, but that it should go so far as it has done this day, would produce a practice most mischievous to the ends of justice.

Lord Grenville.—Before proceeding further in this case of the most extreme importance, I think it absolutely necessary to take into our most serious consideration the question that has now arisen. On this most important and anxious inquiry, we should look to the question of the cross-examination of witnesses, and if any rule has been suddenly or hastily laid down, to revise and amend it as soon as possible. The difficulties, my lords, arising out of our present situation are innumerable. When you have examined all the witnesses in

support of the charge—after every question has been put, can your lordships proceed in the ordinary way? Can you call upon the counsel to sum up the case, they not knowing what might yet appear from a second cross-examination of their witnesses? It therefore, my lords, appears to me of the very last importance, that we should consider this very important point seriously, that we should then lay down a strict, inflexible, invariable line of proceeding. But to do so, we must deliberate gravely; and having once established the rule, we should adhere to it strictly, inflexibly, and invariably. My lords, adverting to the partial cross-examination of witnesses by the counsel for the defence, there was in my mind great weight in what was urged by the counsel who made the objection. It would throw infinite difficulties in the way if your lordships were to admit the examination of all the witnesses in chief without allowing any addition to those witnesses, in consequence of what might arise out of the cross-examination. See, my lords, the length to which this would carry you. Your lordships must not only defer the cross-examination to a future period, but you must reserve to the counsel for the bill a similar right to call new witnesses in consequence of the cross-examination. My lords, the adjournment of this day will give us one day of considering whether we cannot lay down a clear and distinct rule by which to guide our proceedings on this important subject. Unless this be done now, we shall find that, day by day, and hour by hour, we shall find ourselves involved in new and inextricable difficulties. I would venture then to suggest the propriety of turning your lordships' thoughts to this point at once, and of deferring all other business until it is decided. The course hitherto followed has not been the most expedient. In not having anticipated the present difficulty you have not provided against it. I am sure your lordships will re-consider the subject without being embarrassed by any former error, or from a wish to preserve consistency. I should therefore suggest that counsel be ordered to withdraw.

Lord Redesdale.— My lords, any proceedings which your lordships may adopt on this occasion, will become a precedent, and will become a part of the future law and usage of parliaments—it will apply to bills of pains and penalties, and in short, to all cases bearing any relation to the present bill. Your lordships ought to pause, therefore, before you depart from the ordinary course of proceeding. If your lordships come to any resolution on the subject, it should be so shaped, as to apply to the peculiar case before you, and not to any other. My lords, I apprehend great danger and difficulty from the course of proceeding proposed to be adopted. Any departure from the usual course of courts of justice, must at all times be attended with difficulty. It was at first arranged, that there should be a departure from that course, and now your lordships are called upon to make that departure a general rule. Now, my lords, I consider the case to be this. The witnesses in this case are persons coming from different places, and respecting whom the counsel for the defence are unable to make those inquiries which could be made respecting persons residing in this country. In cases of treason, a list of witnesses is allowed; this gives the accused an opportunity to inquire into their habits and characters. That list contains not only the names of the witnesses, but also the different places where they resided. This not being the case on the present bill, time is to be allowed to the accused to make the necessary inquiries. But, my lords, consider what the consequence of the proposed procedure would be. Your lordships are aware that nothing is more important to the ends of justice than that the cross-examination should follow the examination-in-chief, while the subject is fully before the witness, and his mind is fresh in the recollection of the facts. Yet it is now proposed to postpone the cross-examination of all the evidence for the bill, until the counsel for the defence shall think fit that that cross-examination should take place. This is contrary to the acknowledged practice of the courts of justice; and it will be impossible to form an opinion upon a

case so conducted, with the same certainty as if we proceeded in the ordinary way. Whether it be important that some of the witnesses should be re-examined, is a very different question. But I ask, my lords, whether there ever has been a case in which the cross-examination was postponed to an indefinite period? See, my lords, the difficulty this would impose on the counsel for the bill. I know not how the summing up could be with propriety laid before your lordships under such circumstances, because counsel could not know the circumstances which would come out in the cross-examination. If your lordships do depart from the usual course, and I am of opinion that you ought not; but if you do, it ought to be by an express resolution of the house, so framed that it should not be brought into a precedent. Any advantage allowed to one side must be equally extended to the other; and this will certainly produce innumerable difficulties as well as much delay.

Lord Erskine.—My lords, when I said a few words to your lordships some minutes ago, I anxiously wished to have been silent; I was afraid, and still feel the same painful impression, that in imputing the present difficulties to the rejection of my motion for communicating the times and places which ought to have been charged in the preamble of the bill, together with a list of the witnesses by which any criminal acts were intended to be established, I should seem to be setting up my own opinion against a judgment of the house; but in consequence of the proposed motion of my noble friend under the gallery, I feel that I am called upon to trouble your lordships once again. My noble and learned friend on the cross-bench, has said, that we ought strictly to observe the rules of parliament, applicable alike to impeachments and bills of this description; but let me ask whether in either of those modes of proceeding there ever was such a case as the present?—Was any person, my lords, ever before accused of a course of criminal conduct for six years together, in places too beyond the seas, without knowing from specific

allegations, according to the rules of all courts, and the most obvious principles of justice, at what times she was to stand upon her defence? Was any person ever so charged with such numerous offences without any specification of place, though the accused had, during the whole period, been in constant motion by land and sea, from one extremity of Europe to the other?—Did this, or any thing approaching it, ever happen before?—There was the less justification for this total departure from all the analogies of trial, since I did not ask to bind the house by the statute of King William, but only asked the names of the witnesses then in their power, and whom they then intended to call, without prejudice to the examination of others that might be legally admissible, from circumstances in the defence; and now, my lords, since the Attorney-general has been heard, and since the witnesses have been examined, it appears that the crown was then fully and perfectly acquainted, first as to time, not only of days, but the hours of every day for every thing they contemplated to prove, and as to place with the utmost certainty and precision. If, therefore, without stating what witnesses were to prove any particular facts, but only their names and descriptions, with the times and places of accusation, this communication had been made with a reasonable delay for commencing your proceedings, they would then have gone on in the ordinary course of other trials; whereas you are *new* driven to cut them asunder, and cannot find any mode of making the division without confusion and injustice. By not pursuing so plain a course, into what a situation have we placed the illustrious accused, and ourselves also. The evidence, the unsifted evidence, must be spread abroad, and has already been circulated not merely to be read, but to honeycomb the mind with impressions that may never be effaced, and all this for months, perhaps, before any defence can be made, and our own minds in the same manner preoccupied; and we are desired at last to adjourn to consider what we should have decided before we began, and to alter

what is past all remedy. There are some diseases where nothing but amputation can cure. This is precisely our condition, because if we now gave to the learned counsel the most unlimited scope of cross-examination, how can witnesses be cross-examined whose character and situations are unknown, and to whose evidence there is no kind of clue? I foresaw this, my lords, and my only reason for taking any lead, was, because few amongst your lordships had had so much experience in the courts of justice; and therefore placed here beyond my merits, I thought myself bound in duty to act as I did, and because I wished to end my life as I began it, by reverencing the wise forms of the ordinary laws, the best security for the faithful administration of justice. As to the evidence—I will, so help me God, attend to it with the most impartial consideration, but I wish to be placed in a condition that our judgments may on neither side be surprised. I shall therefore, my lords, consent to an adjournment, if any motion shall be made, but without much hope of its being now attended with the same advantages as if in the outset we had pursued a different course.

Lord Liverpool.—I understand the wish of the noble baron opposite to be, to take this day to consider some measure by which many difficulties may be avoided in our future proceedings: to this I do not object; but I wish before the motion is made, to say a few words in reply to the noble lord who spoke last, as well as to the noble lord (Grenville) under him. I cannot, I confess, consider that the difficulties attending this proceeding are so great, or so insurmountable as they have been represented to be. I do not see any difficulties which are not likely to occur in cases of impeachment, in bills of pains and penalties, and in all other judicial proceedings which may come under the consideration of your lordships. The motion alluded to, respecting the list of witnesses, would, if granted in this case, have been inconsistent with the ends of justice. In the lower courts the accuser is one party, the defendant is another; the course of proceeding is definite. The instances in which the court may inter-

fere are clearly marked out. What is the case here? After the accuser and defendant have stated their case, there exists in your lordships an unlimited power to examine not only in chief, as the counsel on one side do, but also to cross-examine every witness. In short, you possess every power of inquiry known to our courts of justice. But this is not all: for it is competent for the members of this House to call back a witness whom they may think material. And even on any point of the case which the counsel on either side have omitted to examine the witnesses upon, it is in the power of this House to call the witness again, and examine him or her to any of the facts.—He was quite at a loss, in any view of the question, to see how any of the difficulties of this case would have been removed, had a list of the witnesses, which it was intended to call in support of the bill, been previously granted. The point immediately before their lordships was the first on which any difficulty had occurred. In every former case, the counsel against the bill had been in the practice of cross-examining the witness fully; he had then been re-examined by the counsel for the bill, and, lastly, examined by their lordships. Such appeared to be the regular course of proceeding; but he by no means intended to say, that, according to what had already been fairly understood on the subject, on a special case being pointed out by the counsel against the bill, it would not be competent for such counsel to propose, or reasonable for their lordships to refuse, that a witness should be brought back. But the question now was—and it was a question which was for the first time raised—whether there should be a power vested in the counsel of making their option, either to cross-examine immediately to the fullest extent, or to close the cross-examination before it had gone to the fullest extent, with a view of resuming it at a subsequent period. It had been said, that counsel ought to possess this option, and to have the power of calling witnesses back to proceed with a cross-examination, if they considered such a course advantageous for the interest of their client. If their lordships did not agree to this as a rule, he thought it indis-

pensable that whatever other rule they might agree to, should be distinctly understood. On a particular occasion, when a case could be fairly made out, to shew the necessity for such an indulgence, he had no doubt that their lordships would feel no difficulty in allowing the cross-examination of a witness to be postponed; but not on all cases, and as a general principle. If the cross-examination of any number of the witnesses were to be postponed, it would be impossible for their lordships to call on the counsel for the prosecution to sum up their case, until the cross-examination of those witnesses had fully taken place. That being his impression on the subject, and wishing that their lordships should have sufficient time to consider it, he was quite ready that further proceedings should be adjourned to Monday.

Lord Grenville entirely agreed with the noble earl, that the difficulty arose from the peculiar nature of the case itself. On this important subject, of the period at which the cross-examination of the witnesses should take place, whether partially or wholly after the examination-in-chief, that had hitherto proceeded upon an understanding, which, however, he now felt it necessary should be converted into a fixed and definite rule, from which their lordships should not hereafter be called upon to depart. He would not, at that time, state what practice he thought it best to adopt. What appeared to him to be the most desirable course was, that their lordships should turn their minds to the serious consideration of the subject, and not come to any determination until they had called upon the counsel to state their reasons for urging a departure from the course usual in other courts of justice. After hearing that argument, their lordships should then determine on some fixed and definite rule, from which no consideration should induce them to depart. Of course no rule should be adopted, which would exclude the great principle of doing justice to the parties concerned: and, therefore, no course or rule could be adopted by their lordships, either on that occasion or any other, which they might not be disposed to vary, on special and strong grounds being made out, to shew

that by such a variation the ends of justice would be best promoted. But, on the other hand, their lordships would do well to take, as nearly as possible, for their guidance, the mode of proceeding established in courts of law:—and there was no principle so much guarded in courts of law—he would appeal to the learned persons who administered justice in those courts, if there was any principle so satisfactory to their minds—as that there should be fixed and known rules to go by; and that it should not be necessary, on any particular occasion, to travel over a wide ocean of argument, in search of rules and principles on which to act. For the purpose of enabling their lordships to prepare their minds for adopting—or at least for hearing the argument which might induce them to adopt what should, upon the whole, appear to be the most eligible proceeding; he certainly thought it would be expedient to adjourn then, although it was a much earlier hour than that to which their lordships had agreed to extend their sitting during the progress of the interesting and important measure before them.

The Marquis of Lansdown was also of opinion that an opportunity ought to be afforded to their lordships fully to consider this, which was a point of the last importance; and that when once the rule should have been laid down, that in the whole course of the proceedings on the case it should not be departed from. He thought this the more especially necessary with reference to the right of his majesty's attorney-general to sum up the whole of the case, or only parts, as he might think fit, if their lordships should determine, which they had not yet determined, that the cross-examination might take place at various periods. The fullest consideration and attention was due from their lordships to so important a part of the proceedings connected with the great question before them. The discussion in which their lordships had been for some time engaged had entirely arisen on a question put to the witness by the learned counsel for the queen, and objected to by his majesty's attorney-general. In his opinion the ends of justice would be best consulted, if the counsel on both

sides (before the question of adjournment was put, for it could not be done afterwards), were informed what the particular state of the question was, and if a resolution was adopted to enable the counsel to be heard in argument in support of their respective positions.—Or, without coming to any such resolution, counsel might be called in and heard in the manner he had suggested. That would, in his opinion, be the best way to attain what he was sure was the wish of all their lordships, and of the counsel on both sides, (as far as was consistent with their duty to their clients), namely, the ends of justice, by a full and accurate investigation of the case. He therefore ventured to recommend to their lordships, that before the question of adjournment was put, the counsel should be called in, and should receive from the Lord-Chancellor the information which he (the Marquis of Lansdown) had suggested.

Lord Grenville perfectly concurred with his noble friend in the object which he had in view. It was certainly expedient that the counsel should be required to state if they proposed any, and, if any, what departure from the ordinary practice of cross-examination immediately following the direct examination. Their lordships would, of course, hear both sides; and he was sure they would do so with an earnest desire and determination to adopt that course which they should conscientiously conclude to be the most consonant to the interests of justice.

Lord Ellenborough expressed a wish that counsel might be heard at once. Their lordships would then have eight and forty hours to consider the arguments urged to them.

The Earl of Liverpool expressed a doubt, whether or not the counsel would be prepared immediately to argue the question.

Lord Ellenborough considered it to be the duty of a professional advocate to be ready to argue any point in which the interests of his client were involved, *instanter*.

After some little further conversation the counsel were called in, and the Lord Chancellor addressed them to the following

effect: "I am commanded to acquaint you who are counsel against the bill before their lordships, that you are required to state, if you are desirous of proposing any, or what departure from the usual course of proceeding with respect to the cross-examination of witnesses. As to the counsel in support of the Bill, they may be heard also in objection to any such proposed departure."

Mr. Brougham.—I trust your lordships will give me leave to say a few words with respect to the great embarrassment in which I feel myself on this subject. I am asked to state, and to support that statement by reasons, if I propose any departure from the usual course, which, in my opinion, and with reference to the present proceeding, may be desirable, with a view to promote the ends of public justice. My lords, I know that in ordinary cases I am bound, by my professiona duty, to be ready at all times to address the court in which I may have the honour to plead. I know that in ordinary cases I am never allowed to complain of being taken unawares, and of thereby being prevented from making whatever suggestions may appear to me to be favourable to the cause of my client. I know that the ends of justice can be attained on any controverted point only by allowing each party to be heard by their counsel, and by then leaving the court to decide on the merits of the case. But, my lords, although in ordinary proceedings, in proceedings where there are rules and precedents either known or analogous, I should not be allowed to complain, if I were taken unawares by a requisition to state my objections to the usual course pursued; yet I most humbly, and with the greatest confidence in your lordships' justice, suggest that, with reference to the interests of my client (those interests which I am bound especially to attend to), it is very hard (to say no more) to be called on to point out at once what in my opinion, ought to be the general course of proceeding, in an inquiry which has no precedent, which has no parallel, which is utterly new, and respecting which, therefore, I can have no guide. My lords, I may be allowed to add, that I am only one of six counsel in this case. I am

their leader undoubtedly, and on my shoulders must fall the responsibility consequent on such a station;—a responsibility from which I have never for a moment shrunk. But, my lords, it is indeed a fearful responsibility which I am called upon to assume, when I am required to state at once the result of our six opinions on a point as delicate and difficult as it is important, without having the opportunity afforded me of even turning round for an instant to ascertain the opinion of my colleagues upon the subject. I cannot tell, whether they may not think that I ought to make no proposition on the subject, but to leave it entirely to your lordships' uninfluenced determination. I cannot tell whether, in their superior wisdom, they may not conceive, that the refusal of a list of the witnesses, and of an enumeration of the times and places at which the alleged facts were committed, which it seemed good to your lordships to decree, has tainted the whole of these proceedings with a mischief for which there is now no remedy. I cannot tell whether they may not be disposed to argue, that the course which your lordships have adopted, is a course which cannot be retraced. On the other hand, I cannot tell whether they may not consider themselves bound to suggest to your lordships, that the course which has been hitherto pursued—although a course which cannot be wholly retraced, or altogether deprived of the mischief which it has occasioned—may nevertheless be retraced to a certain degree; by granting to our illustrious client now what ought to have been originally granted to her—a list of the witnesses to be adduced against her, and a specification of the times and places at which she is charged with the commission of those acts, which it is the object of the bill before your lordships to punish; and by their adjourning the further consideration of the subject for a period which would allow us to prepare efficiently for her majesty's defence. My lords, you now begin to see the evils of the step which you formerly took on this subject. You now begin to see that——

The Earl of Liverpool asked the learned counsel, whether he wished for time before he argued the point stated to him,

or not? Their lordships could not in justice deny him time, if he wished it; but in that case it was not necessary that he should enter into any present discussion of the subject. If the learned counsel was prepared to argue the question at the present moment, undoubtedly that would be more agreeable to their lordships; but if he only wished to apply for time, it was desirable that he should make that application shortly.

Mr. Brougham said, that he had wished to shew their lordships the difficulty under which he laboured, in not having the opportunity of consulting his coadjutors; and in doing so, he had only proposed to run over a few of the manifold inconveniences, which the course adopted on this subject had occasioned. Undoubtedly he prayed for time.

Adjourned to Monday.

TENTH DAY, MONDAY, AUGUST 28.

THE Bishop of Winchester read prayers.

Earl Lauderdale. before the motion for counsel being called in was acceded to, wished to express his satisfaction at the decision their lordships had made on Saturday last. Had the other course been adopted—had that House agreed to any resolution by which it was left open to the suggestions of counsel to tell their lordships what it would be proper and expedient in them to pursue, he should have pronounced it as wholly unprecedented in the usage and practice of Parliament. To leave it to counsel to suggest to that house what they, the counsel, thought should be the conduct of that house, would be not only an unprecedented proceeding, but an actual surrender of their most essential privileges. Did their lordships mean to say that five members of the House of Commons, acting with others, as counsel at that bar of the lords, were to prescribe the form and manner of their proceedings? Let their lordships but consider the meaning of the rule which was laid down as to the examination of the evidence, and they would see that the whole of the difficulty arose from a mis-

understanding of that rule. That rule was founded on the practice of the courts of law, where, subsequently to the examination-in-chief, the cross-examination of the witness was immediately proceeded upon; but, if in the subsequent course of the case, any facts were discovered which were material to the ends of justice, and to the development of which the re-production of the witnesses was necessary, it was then their lordships would, of course, take into their consideration such an application. A rule so plain it was difficult to misunderstand; and the fact was, that up to Saturday last there was no deviation from it. Let, then, the course be steadily persevered in; let the cross-examination of the evidence be continued conformably to the usage of the courts of law; and let that house, if subsequently the ends of justice require the re-production of the witness, be ready to attend, and to consider the grounds of such an application.

Lord Manners trusted their lordships would feel most sensibly the danger of any deviation from their accustomed rules of evidence and examination, which were so strictly observed in courts of justice, which experience had demonstrated as most competent to the attainment of justice, and that house should consider as its best and safest guide. In conformity with that usage, he contended the fullest justice could be rendered. If, for instance, in the subsequent proceedings of this case, any knowledge of facts may reach counsel, which were material to the attainment of justice and of truth, it would be open to counsel to state a case to that house, which, if considered as entitling them to the indulgence, would allow the fullest inquiry. The course that he should recommend was, that the learned counsel should suggest what questions he wished to have put to the witness, on the re-examination, to the Lord High Chancellor, in order that such interrogatories might be put by him. That was the usage in our courts of criminal law, where, on any after-knowledge, a witness was recalled on the application of counsel, but where the questions were put by the learned judge presiding. It has been said that their lordships were placed in a dilemma, and that

such dilemma was the effect of their rejection of a motion of a noble and learned friend of his (Lord Erskine). It was natural that his noble friend who introduced that motion, should still continue to feel strongly its propriety and the bad effects of its rejection. But he (Lord Manners) must be allowed to say, that, in refusing that motion, their lordships acted prudently, wisely, and conveniently. He had never yet heard that it was held by any authority, that a proceeding exclusively confined to cases of high treason, should be extended to other modes. Such an exclusion would not be convenient in practice, and was far from being even proved reasonable in principle. But then it was said, that there was something so peculiar in the present case, that it ought to have been made an exception. He must confess that he did not feel the force of such a conclusion. On the contrary, he conceived that the making such a precedent would be attended with most prejudicial consequences in all future cases of an analogous description. His noble and learned friend (Erskine) had recommended to assimilate their practice to the rules and usage of Westminster-hall; how to reconcile such a recommendation with his regret that his former motion was rejected, he (Lord Manners) confessed himself at a loss. If, in the subsequent progress of this proceeding, the counsel for her majesty were able to make out a case for the re-examination of a witness, they may confidently rely on the sense of justice in that house, that such an application would not be refused. But what ought not to be granted was that which the counsel against the bill aimed at, viz., an examination as to facts which were not now within their knowledge, but which they think they may be informed of hereafter. He should therefore move, that if the counsel against the bill should be desirous to examine again witnesses, before cross-examined, that the lord-chancellor should be at liberty to examine into any new fact, the counsel against the bill having previously stated a case to entitle them to that indulgence.

Lord Erskine observed, that such alterations of opinion as were manifested, seemed to him to prove that noble lords

forgot the truth that "man who is born of a woman had but a short time to live." Last Saturday they agreed to adjourn, for the purpose of considering the limitation or the extent of a rule, and to hear the arguments of counsel as to that rule: to-day his noble friends congratulated the house on the adjournment of Saturday, although, in the same breath, they say that there was no difficulty whatever in the case. Surely then, if there was no difficulty, the adjournment was unnecessary; and if at one o'clock on Saturday, there was no difficulty, it did not require forty-eight hours to deliberate where no deliberation was required. Why did not his noble friends state then that full conviction they now entertained? Why then decide on the necessity of time for deliberation on the nature of a proposition on which there was no doubt? For his part, when he declared that he felt disappointed in the rejection of his motion for the list of witnesses, and that every hour and every measure since taken, induced him more firmly to continue in that opinion; he was still not so arrogantly disposed as to set up his judgment against the collective judgment of that house. But though then disappointed, he would even now state what, under present circumstances, ought to be the conduct of their lordships. It was impossible, in his mind, to follow the course laid down by his noble and learned friend. There were but two modes of proceeding—either to confine your practice as closely as possible to the usage of the courts of law, or to take the line you have already followed, and allow the cross-examination in the first instance to be resumed whenever the ends of public justice required that resumption. "For, my lords," said Lord Erskine, "it was clearly understood, and I should feel myself disgraced if I did not assert it, that such was your lordships' laid-down decision. It was declared over and over again, on the rejection of the motion that I had the honour to propose, that, after the case in favour of the bill was closed, a reasonable time should be allowed to the queen to prepare for her defence; and that when the house again assembled, her majesty's counsel, prepared as they then would be, were to

be at liberty to cross-examine the witnesses. Why, my lords, with regard to the justice of the case, what other decision could you have made?—Could you say that witnesses were to be at once cross-examined as to facts alleged to have taken place in Italy, in Africa, and at Jerusalem? But then it was said—'delay the cross-examination altogether.' What, my lords, was this accusation to remain for two months without any statement from the accused? Was the evidence brought forward against the queen to go out to the public, and remain for two months unsifted, unquestioned, and unanswered? Was such a publication to be made to the world, and from the infirmity of human reasoning, not to be attended with great danger to the accused? How, then, was this danger to be even partially diminished? I say, by cross-examining, as far as you can, that testimony: though it removes not the whole, it lessens a little the difficulty and danger I have described. The evidence will not then go out to the world unsifted and unexamined. That course we were pursuing, when one of my learned friends, Mr. Brougham, in putting a question to the witness, was interrupted, in my opinion most improperly, by the Attorney-general. I say improperly, because I contend that the question (which was "How do you know?") he had a right to put. But my noble and learned friend (Lord Manners) misrepresents me, not, I am confident, wilfully, when he charges me with an inconsistency, because I say we should assimilate as nearly as possible, our practice to that of Westminster Hall. I say so still; but I must say, the course that would limit the cross-examination of witnesses, differs as much from the usage of Westminster Hall, as darkness from light. Let, then, the cross-examination of witnesses go on, without any limitation whatsoever. Let the learned counsel extend that examination as far as they please, and stop where they please; and here, my lords, allow me to say, that when you consider the very laborious, and responsible and delicate situation in which the counsel for her majesty are placed, you surely should feel inclined, in place of interruption or disapprobation, to extend to them the fullest

indulgence. This is the course of proceeding which I recommend to be followed: when the house, after its adjournment, shall again assemble, it will be time enough to consider what will then be essential to the circumstances of that period. "Sufficient unto the day is the evil thereof." Whenever I can assimilate the rule here to the usage of Westminster Hall, I will most readily do so; but, where I cannot, I will apply the more general rule of humanity, justice and fair-dealing. There would soon be an end of our courts of justice, if public opinion did not in some degree preside in them; and, believe me, my lords, it is in vain to say that public opinion, in its best sense, has not been disappointed in the refusals which have been given to the applications of the queen for a specification of facts, alleged to have occurred through a course of six years, and over a space of more than a thousand miles. In Scotland it has been the invariable custom to give every person who has pleaded, a return of the list of witnesses. But this house has no limitations on that head: it is bound by no strict attention to the rules or usages of courts of law; but it is bound by what is due to the certain, invariable, immutable ends of justice. Those ends, I am sorry to say, were not, in my opinion, considered, when the refusal I regret was made to the motion for a list of witnesses, or for a specification of the places. I am an old man, and have had more experience than most of your lordships in proceedings of this kind. I could have no interest—no object in attempting to mislead you; and, therefore, I shall ever defend myself against any imputation which may be directed against the purity of my motives, in doing what I thank my God I have done; and which, under similar circumstances, if unhappily they occurred, I should repeat.

The Earl of Liverpool contended, that the privilege applied for by her majesty's counsel was not only contrary to the practice of their lordships' own house, but to the universal usage of all inferior courts of law. In the discussions which had taken place previous to the introduction of the Bill, he had declared, that although he felt it to be the duty of the au-

thors of the measure to refuse a list of the witnesses to be examined in support of it to her majesty, he was yet perfectly ready to grant any reasonable interval of time to enable her majesty to bring over her own witnesses and make her defence. That was a concession which he both then and now considered to be of infinitely greater advantage than the furnishing a list of witnesses, because in the latter case her majesty would come to her defence without knowing before-hand one word of what the witnesses against her had to say; but according to the course which he had suggested, she would come with the knowledge of all that had been said against her, and having the benefit of the delay of the proceedings to procure evidence to rebut it, if it were possible. Therefore, if there were any disadvantages attendant on the mode of proceedings adopted, and that there were disadvantages he did not pretend to deny, he contended they were infinitely more than compensated by the advantages arising from the privilege that had been proposed on that side of the house. He now came to the question immediately under consideration, and with respect to a matter of fact connected therewith, he thought a noble lord had not been quite correct in his statement. He had talked of an interval in the proceedings, as if something had occurred in the house which gave her majesty's counsel an option as to the time of cross-examining the witnesses. Nothing such had been said in the house, according to his understanding of the matter. He was sure he had not said any thing of that nature; but this he had said, that if any special reason could be made out by her majesty's counsel for calling a witness a second time to the bar, he thought that their lordships would be disposed to grant all the indulgence in their power, and to afford a greater latitude than could be allowed in a common case. Up to Saturday every thing had gone on regularly; the witnesses had been examined, cross-examined, re-examined by the counsel, and what was the most material, examined by their Lordships. On Saturday, when this woman from Germany had been examined at the bar, the Queen's attorney-general applied for leave to put

off her cross-examination altogether, except to ascertain her place of residence. He could not help thinking that their lordships had acted wrong on that occasion, for if they had allowed the cross-examination to be put off altogether with the exception he had mentioned, they should have only permitted the counsel to question the witness as to the places and houses she had lived in; but if he had any recollection of the course which the learned counsel had pursued, his questions went principally to impeach the credit of the woman's testimony, for he had asked how she had come to this country, with whom, whether she had received any money for coming, and so forth; whereas, agreeably to the permission granted, his cross-examination should have been confined to the single question of where she had lived. He had adverted to what had occurred before, in order that their lordships might now see their way more clearly. If the House had inadvertently fallen into any error, he was sure that no consideration would prevent them from retracing their steps, and endeavouring to rectify it. With respect to the allowing the cross-examination to be adjourned altogether, he only wished their lordships to consider in what situation they would be placed if they acceded to such a request. In the first place, he was of opinion, that if that should be done, their lordships would be altogether precluded from examining witnesses themselves. Now he believed, without meaning to say any thing derogatory of any person, that some of the most material questions that had been put in the course of the investigation had been among those proposed by their lordships, and that was a thing naturally to be expected; for each of the other parties examining, appearing there on a distinct side of the question, put their questions accordingly; whereas their lordships, sitting as judges between both had framed their inquiries with a view of bringing the answers before made to some certain issue. But that was not the only inconvenience to be apprehended from acceding to the application; for how, he asked them, when such a rule had been adopted, could they call upon the attorney-general to sum up the evidence, inasmuch as a necessity for calling

fresh witnesses on the part of the prosecutors might be expected to arise out of the adjourned cross-examination, and this, he might observe, was one of the reasons he was of opinion that a list of witnesses should be withheld. They could never call on the Attorney or Solicitor general to sum up the evidence or close the case, until the cross-examination of their own witnesses should have been concluded. The course sought to be followed would be one of monstrous inconvenience. He thought that this investigation should go on like any other case, first, in examination-in-chief, then a cross-examination, afterwards a re-examination by the counsel for the bill, and afterwards an examination by their lordships; and if afterwards any special reason could be stated why witnesses should be called to the bar a second time, he was sure their lordships would be ready to view the application with greater liberality and indulgence than could be extended in any ordinary case. He differed from the noble lord, therefore, in thinking that her majesty's counsel ought not to receive any power of putting off any cross-examination, in order to originate it at any subsequent point of time, but that going on with the cross-examination of witnesses regularly, they should not be refused the right of calling up any witness for a renewed cross-examination, in case they could shew sufficient special grounds to render it necessary.

Lord Erskine explained in a low tone of voice.

The Marquis of Lansdown said, that after what had fallen from his noble friend on the cross-bench (Lord Lauderdale), and after the desire which was generally felt on Saturday, that counsel should be called in, he was anxious to state distinctly the view which he entertained of the question. It was not desired to call in counsel for the purpose of inviting him to suggest or to dictate to their lordships the precise mode of proceeding which they ought to follow; but it was (and this was an opinion thrown out by himself)—it was that if their lordships were about to adopt a rule deviating from the ordinary course, then that counsel should be heard, to instruct their lordships with respect to that deviation. Their

lordships could not wish to act unjustly; had they even adopted the rule without hearing counsel, and should a special cause arise to convince them that it ought to be departed from, they would do so even after making the rule. With reference to what had fallen from the noble earl (Liverpool), he (Lord Lansdown) remembered that when the rule was laid down, there was an understanding that on application being made, a further examination might be granted; but the subject of an adjourned cross-examination did not come under the consideration of the house. Nevertheless, though it did not then come under the consideration of the house, it still became a fair subject of consideration afterwards; the more so when it was said that every facility would be given to the counsel for her majesty—when it was stated by the noble earl that an equivalent would be given to the counsel for her majesty for the advantage which they had lost, by being refused a list of the witnesses against her. He gave the noble earl credit for a wish to let them have that equivalent; but for his own part, he did not think it was possible for the noble earl—he did not believe that it was in the power of the house to give to the counsel for her majesty any thing in the way of an equivalent to the advantage which the cause of their illustrious client would derive from a full and immediate cross-examination; for that examination which they would be able to have, if the list of the witnesses were furnished to her majesty in the first instance. It never should be forgotten that this case was before the public as well as before their lordships; the public, who were as anxious as to its result as their lordships could possibly be. It was always found to advance the cause of public justice that the cross-examination should immediately follow the examination-in-chief; but their lordships must agree with him in opinion, that the counsel for the queen was deprived of that advantage. He could not agree with his noble friend on the cross-bench, that the house could get so easily rid of the difficulties with which they were surrounded. They might alter the names of things but that would not deprive them of their essence. The exa

mination contended for by the counsel for the queen, was nothing more than a cross-examination, and a cross-examination too of the most important kind. What the nature of that cross-examination might be, must spring altogether from the particular cross-examination of the witness—for instance, in the case of the witness from Trieste, of that witness the counsel for her majesty had no knowledge in consequence of having been refused a list of witnesses. Would any one deny that that witness ought not to be called up a second time by the counsel for the queen—would any one say, that after acquiring some knowledge of the witness, and of circumstances connected with him, that it would be only fair and just to allow them to cross-examine him on a subsequent occasion? As long as the necessity existed for such an examination, as long as in the opinion of their lordships a necessity existed, or might exist for a still further examination, they could not deny to the party the fair advantage of that examination. Of course such a proceeding would occasion great delay. Their lordships could not call on the attorney-general of his majesty to close his case; they would do great injustice to the crown, and to the attorney-general to call on him to close his case whilst any further cross-examination were to be gone into.—Their lordships, most of all, as concerned the queen, could not act with justice if they did not give her the opportunity which she asked, of inquiring into circumstances essential to that knowledge of the witnesses which would alone enable her to enter on a full and effective cross-examination of them. So far from agreeing then with his noble friend, that there was no difficulty before them, he (Lord Lansdown) saw no part of the proceeding that was not surrounded with difficulty. The difficulty which he stated was as great as any attending it, and infinitely more than would attend the proposition of his noble friend (Lord Erskine) when he called on their lordships, in the first instance, to furnish her majesty with a list of the witnesses to be produced against her; a mode of proceeding which would have promoted the attainment of justice, which was not in violation of any precedent, but, on the con-

trary, was analogous to the ancient law, as administered to this day in all criminal cases, in the northern county. It was not less for the interests of justice, but it was, in point of convenience, essential that her majesty, should have been put in possession of the names of those who were to be called as witnesses against her; if this had been the case, their lordships, in the case of Barbara Kress, would not have been put to the inconvenience of two days' delay; they would not have been obliged to leave open the cross-examination for two days, but they might have proceeded in the investigation with effect, and without delay.

The Earl of Lauderdale said, that if he had not thus early brought the consideration of this question forward, on being called in, the attorney-general would have made a speech (as he must have understood that he was to do so), in order to point out the course which their lordships ought to take during their future proceedings.

Lord Ellenborough thought, that if the course taken by the house on Saturday were followed up, a most fatal precedent would be established, a precedent which would at any time give counsel an opportunity of interposing a delay of twenty-four hours in the course of an inquiry. If heard, at all on the question, whether the usual course of cross-examination should be departed from, he thought the learned counsel ought to have been heard on Saturday; but he was glad that their lordships had thought proper to adjourn, as their doing this afforded them an opportunity of abandoning that course into which they had been betrayed, and which, if followed up, could not have failed to produce the most injurious consequences. He then stated the argument on both sides, and gave it as his opinion, that the delay to be allowed between the evidence for the prosecution, and that for the defence, was much more than equivalent to any advantage that the queen could have hoped to derive from being indulged with a list of the witnesses. He shewed that a great advantage was thus afforded to her Majesty's defenders, and proceeded to argue, that if the claim for delay were admitted, they could

never hope to arrive at the conclusion of these proceedings If eight or ten weeks were allowed to prepare for the cross-examination, could their lordships in fairness refuse to concede a similar indulgence to the officers of the crown? It might to them appear necessary, in consequence of what came out in the cross-examinations, to call new witnesses, and then a new delay might be called for to cross-examine them, and subsequently a still further delay preparatory to their re-examination. Acting thus, it was impossible for them to foresee the period at which the attorney-general could close his case. He was of opinion that the cross-examination ought to proceed as it had done in the former part of the inquiry.

The Lord-Chancellor said, that in considering the present question, he should not make any observations on questions which the house had already discussed—he meant the refusal of a list of witnesses, and of a specification of times and places. With all the respect which he entertained for the noble lords who differed from him on those points, he should still, if called on, give the same vote as formerly, because he was convinced in his conscience that that list would not have obviated one-fortieth part of the present difficulties. He congratulated their lordships that they had paused on Saturday, for he was sure that a more mischievous precedent could not be laid down than the course which they were then pursuing, though he must confess that at first he thought it was the right course. Every one who observed the course of parliamentary business would see that the houses of parliament did not always regulate themselves by the practice of the courts below; but unquestionably the nearer that parliamentary proceedings in judicial cases were assimilated in form to those of the courts of law, the better it was in every point of view. He should briefly state to the house what had been done in the present case. The first witness examined was, if he recollected right, Theodore Majocchi: he had been examined, cross-examined, and re-examined; for it must be borne in mind that there could be no re-examination till after the cross-examination. Then their lordships had put various questions

to the witness; and he would take this opportunity of observing, that when their lordships examined a witness, after the cross-examination and the re-examination, it was a mistake to say that they could not put leading questions. Gaetano Paturzo had next been examined and cross-examined; and at the conclusion of his cross-examination, the queen's attorney-general expressed a hope that their lordships would not prevent him, as well as the preceding witness, from being recalled, in case of the counsel receiving any information that might render it material to do so. He (the lord-chancellor) had then addressed the learned counsel, and had said what he believed to be perfectly correct—that the house would judge of the application when made, and of the circumstances attending it. It would be likewise in their lordships' recollection, that, on the subsequent day, when the next witness, Vincenzo Gargiulo had been examined, cross-examined, re-examined, and examined by the house, the counsel for her majesty stated, that in consequence of information which was deemed important by him and his coadjutors, he was anxious to put one question to Theodore Majocchi, and the first he proposed to ask was, whether the witness had been at Bristol during the last year. A noble lord (Liverpool), in remarking on this application, asked if their lordships would agree to take the cross-examination piecemeal; and Mr. Brougham admitted that the proceeding was not regular, and said he intended to put only two or three questions. On the number of questions that had been proposed to the witness, he would not make any observations, because he was aware that one led unavoidably to another. On Saturday it was proposed to make the cross-examinations extremely limited in the first instance. Whether that rule was right or wrong, was a different question; but, if their lordships would take the trouble to look at the questions put, and answers obtained under that permission, they would not hesitate to say that the cross-examination had gone to a length far beyond that limit. He did not apprehend—at least it was his individual opinion—that in a case like the present, where, if he could, he would re-

gulate himself by judicial principles, he ought, as a judge, to have interposed in that cross-examination long before another noble lord took that course. Now, as to the question whether counsel on this occasion did not only what had never been done before, but what never had been even proposed to be done, he would not deny that there existed great difficulty on every side; but he would call on their lordships to consider what was the mode of proceeding most consonant to the practice which had been established from age to age, and had never been broken in upon in a single instance. In the first place, he would ask in what condition the house would place the witnesses, if instead of the cross-examination following immediately after the examination-in-chief, they were to allow it to be deferred? What were they going to do with the witnesses? The ordinary rules of justice always required, for the sake of the witness himself, that he should be immediately cross-examined; because it was not only important to the parties that he should not return from the bar to meditate on his evidence, but it was important to himself, that, in case he had not been clearly understood, it might be in the power of the court, without delay, to put such questions as would set him right, both with the court and the parties. Again, it might be necessary to call another witness to confirm the evidence of the preceding one, which might have been shaken by cross-examination. But the difficulty did not rest here. Take the instance of the case at the bar. Was it possible for the attorney-general to say he had closed his case, or to know what witnesses he might require, before he had heard all the examinations? Then there was another thing, and that was this—if counsel did not cross-examine now, the re-examination could not take place; and till the re-examination had taken place, not one of their lordships could put a single question to the witness. He called on their lordships not to remove established land-marks because they could not look comfortably at a difficulty, but rather to struggle patiently with it, and endeavour to overcome it without violating established rules. In regulating his vote, it would be impossible for him

to agree to any course but that which was consonant to all established practice—namely, that counsel be called on to cross-examine the witnesses immediately as far as they could with liberty to recall them afterwards, on showing sufficient grounds for doing so; and when he said "sufficient grounds," he did not mean to restrict that permission within too narrow limits; for he would rather in such a case open than shut the door for extending that permission. He conjured their lordships to believe him—and he spoke on the experience of an old man—that the practice of the law of England was founded on sound and salutary principles. Let them go on, acting on the rules established by their ancestors, for it was better to acquit ten thousand persons, than to break down one principle of law.

Earl Grey hoped, after what he had heard, that his noble friend on the cross-bench (Lord Lauderdale), would no longer say that this was not a case of great difficulty; for, notwithstanding all the time which had been occupied, and all that had been said in the course of the discussion, he had not yet heard a satisfactory solution of it. It had been said by the learned lord on the woolsack, that this was a difficulty which the house should not hesitate to look at, and to grapple with; and that in obviating it, they should take that course which would be the least deviation from established rules. To this principle he most readily agreed. Their lordships, however, should recollect, that they were sitting on a new case—a proceeding involving not only facts, but considerations of policy, that placed them under the necessity either of adopting a course that would violate the established rules of justice, or of doing fundamental injustice to the party accused. It was in this view of the difficulties with which the case was beset, that he thought it might be better not to proceed further in the present course, but to send the case back to be tried by those other rules from which he was sorry they had ever departed. He believed, indeed, that according to the ordinary rules of courts of justice, the liberty now claimed would be allowed to counsel, and he had also understood it to be their lordships' intention

on Saturday last to grant it. His understanding then was, that in consideration of the vague and indefinite nature of the charges, and of the peculiar circumstances attending this inquiry, certain powers should be vested in the counsel for her majesty. The question therefore now was, whether, after they had held out such a promise, and that counsel had indulged a confident hope of being permitted to resume a cross-examination at a future period, they would now so limit and restrict them as to withdraw a privilege which they deemed essential to the interests of their client. The least which their lordships could do was, in his opinion, to hear the arguments of counsel upon the point. It seemed to him to be due both in justice and in propriety: and, in recalling their attention to the peculiar nature of the case, he did not think it necessary to enter into all the reasonings of the noble and learned lord. When their lordships refused to concur with the motion of his noble and learned friend (Lord Erskine)—a motion, the wisdom and justice of which were made more manifest by every day's experience—he had distinctly understood, that in refusing a list of witnesses, and a specification of charges, they contemplated the allowance of some equivalent advantages. This course appeared to him absolutely necessary, if they desired to frame their proceedings upon any of the rules or principles adopted in other places, or observed upon ordinary inquiries. Was any example to be found in a court of record of a person standing almost in the situation of a criminal, and deprived of the means of bringing evidence to contradict the testimony of witnesses on the other side? Were the counsel for an individual, so placed, ever denied the opportunity of adducing what they might think requisite for the establishment of their defence? He did not wish to set his private judgment against the general opinion of the house; but when he heard it contended, that there was no precedent or analogy to justify the course now proposed, he must observe that it was obvious why there was none. Here was the case of an illustrious person, threatened with no less a punishment than degradation from her rank and station, and charged with an offence which

was substantially high treason. But if put upon her trial in that form, and for that alleged offence, she would be entitled by law to a specification of charges, to a list of witnesses, and to a full opportunity of defeating or overthrowing the evidence against her. Let their lordships again look at the question in the light of its analogy with the law of divorce in this country It had been laid down by the highest legal authorities, that an act of adultery committed by a queen consort with a foreigner, was not high treason under the statute of Edward III.; and it might therefore be of importance to advert to the ordinary rules and process of the ecclesiastical courts. He believed that in those courts the queen would have rights and privileges equal in effect to those who were under an accusation of high treason. She would be entitled to a copy of the libel which contained the distinct charge against her; to time for preparing interrogatories, extending sometimes to the period of a year; and, on the introduction of new matter, would be allowed to counterplead. There was, then, surely nothing extraordinary in the application of counsel to have the same real and effectual advantages afforded to them in the preparation of their defence, as they would have had in a proceeding conducted upon ordinary rules. In point of fact, he believed their lordships had declared, when they refused a list of witnesses, that they would grant some equivalent advantage. It had been said by the noble earl (Liverpool), that there was no precedent, upon a bill of pains and penalties, of granting a list of witnesses, or a particular statement of charges; but it would be found in the case of the Duchess of Norfolk, which, like this, was an application for divorce without the aid or instrumentality of the ecclesiastical courts, that lists and specifications were granted, one after the other, at the suggestion of counsel. As this was a peculiar case, and taken out of the ordinary course of proceeding, it seemed to him but just to extend advantages equivalent, if not similar, to those which the law had provided for persons labouring under accusations of this nature.

It was well known that on every common occasion coun-

sel had the means of a preliminary investigation into the character and condition of witnesses on the opposite side; and therefore, without arraigning any decision to which they had previously come, he would implore them to consider well before they withdrew so important a privilege as that claimed by the learned counsel for her majesty the queen. They ought to be in the same situation as they would have been if this process had been conducted on the rules observed in our ordinary courts of judicature. They ought, on behalf of their illustrious client, to have the benefit of the ordinary principles of law, for none of their lordships could imagine that a cross-examination could be so effectual as it ought to be where there was no previous knowledge of the character of a witness. Their lordships had already decided that the witnesses should be subject to the liability of being called a second time, and he could not, upon the general principles of cross-examination, acknowledge the distinction of his noble friend (Lord Lauderdale), that it might be conducted in two modes with the same effect, and that the witness's testimony might be overthrown at the moment, or by the subsequent production of evidence to his discredit. It was obvious, he conceived, that certain points could only be satisfactorily cleared up by an immediate and consecutive inquiry; and if there was any disadvantage in the delay now applied for, their lordships had brought it on themselves by their former resolution. But, in addition to the principle of the queen's just right to common advantages, in his apprehension their lordships were bound and pledged to admit it by the sense and plain meaning of their own repeated declarations. It seemed to him that there was but one of three courses which they could now consistently pursue. The first of these, and what, in his opinion, was the most advisable, but which he should not then stop to recommend, was to drop the whole proceeding; the second, to revise that part of it by which they had withheld a list of witnesses, and a specification of the charges; and the third, to acquiesce in the application now made by her majesty's counsel. The effect of the last regulation would be to re-

serve to those counsel an opportunity of resuming their cross-examination at a future state of this proceeding. No doubt this would be productive of inconvenience; he could easily understand that it might lead to an accumulation of evils and of difficulties; but it was much better to submit to them than to violate the first principles of justice; it was the consequence of their own proceeding, and if they now shrank from meeting it, he greatly feared that a wound would be inflicted on their character from which they would find it difficult or impossible to recover. He agreed with his noble friend that public opinion ought not to be mistaken for popular clamour; and the question now was, whether the House having suffered in public opinion, (and of that fact he entertained no doubt,) they would produce a yet greater and more unfavourable influence on that opinion by refusing to yield to the present application. In his view they had held out a promise to her majesty's counsel of advantages substantially similar to the one now claimed, and they were at least under an obligation to hear counsel state in what way the refusal would operate injuriously to the interests of their client.

The Earl of Liverpool could not agree with all the views taken on this subject by the noble earl, but intimated that he should not object to hearing counsel on the main point now in question.

Lord Grenville observed, that the house appeared to him to have already adopted two courses diametrically opposite to each other. Being one of those who were present in consequence of their lordships' order, it was painful to him to express such an opinion on the nature of their proceeding. He did not think, however, that their future course ought to be regulated by any understanding or engagement implied in the minds of individual peers. Their rules ought to be distinctly expressed, and not left as matter of opinion or belief. In his view their proceeding on Saturday last was in manifest contradiction to the principle which they had originally laid down. Counsel had been allowed to renew and complete a cross-examination after a re-examination had taken place and if

they were now to state that new circumstances had arisen into which it was most important further to inquire, he was sure that in every court of justice, upon a statement so made, such an application would be acceded to, and the queen be allowed to defend herself against a charge of this nature by the amplest and most unlimited means of adducing new facts in opposition to the evidence. At all events, justice should be done, and no rule could be proper for their adoption which would in effect go to the exclusion of important evidence. The question now was, after the course which they had pursued on Saturday, not whether they would enlarge, but whether they would limit, the powers of counsel. He was not in his place when the last question was put by the learned counsel, but he believed it to have been perfectly regular, and in the usual course of a cross-examination. The house had interfered by a proceeding which went to restrain the ordinary rights of counsel. In his opinion, therefore, the most advisable step would be to recur to their original rule, and set themselves as soon as possible clear in public opinion. The true course was, he conceived, to allow counsel to continue their cross-examination as far as they were able, and leave it open to them to recall the witnesses if any new facts required elucidation. This course he had understood them to have approved and sanctioned *unâ voce* at the very commencement of this inquiry. As he did not think they could now abandon the inquiry without a desertion of their duty, the establishment of this first rule seemed to him highly important. He agreed at the same time with his noble friend, that if counsel considered such a rule to be injurious to the cause of their client, they ought to be heard in objection to it. Counsel were certainly not to dictate to them the rules of their proceedings, but they should be enabled, in that high court of parliament, to state all which they might regard as conducive or essential to the ends of justice.

The Earl of Liverpool conceived that the noble earl (Grey) had not correctly stated the understanding of the house on Saturday. It was true that their lordships had promised advan-

tages to her majesty's counsel equivalent to a list of witnesses and a specification of charges. They were to be at liberty to recall the witnesses, and to examine them as to new facts, but not to suspend a cross-examination after it had actually begun. No disposition had been indicated to depart from the rule as originally laid down.

After a long and desultory conversation as to the point on which counsel should be heard, with a view to the mode of proceeding,

The Lord-Chancellor read the motion, which was in substance, that the counsel should be ordered to cross-examine in the usual way, reserving the full claim to them, if circumstances and facts not now known to them should come to their knowledge, to call back witnesses for further examination, and allowing them now to state any objections they had to offer to this mode of proceeding.

The counsel were then called in. The folding-doors were thrown open, and the counsel on both sides entered and took their stations at the bar.

The Lord-Chancellor intimated to them the terms of the motion just agreed to by their lordships.

Mr. Brougham.—He could not disguise the very great difficulty he felt, on the part of her majesty, when called upon to address their lordships on this point. He should feel it much easier to object to the course prescribed by their lordships than to point out any other course. Although it seemed good to the wisdom and justice of their lordships to reject the course pointed out by her majesty's counsel, and to adopt that pointed out on the other side, if a difficulty had now arisen, her majesty's counsel might say that it had arisen from rejecting their proposal and adopting that of the other side. It was a sufficient reason which he urged, why extraordinary indulgence should be extended to him, that he and his learned friends had been thwarted in their petitions, hampered in their course of proceedings, never gratified in any one object, and that all the difficulties, which were complained of, arose not

from any refusal to the other side, but from having their wishes gratified. Even to the very last act of this great national drama, every objection urged by them had been resisted by their lordships, and they had now decided, they (her majesty's counsel) not having been heard. Upon the petition presented against the course adopted it had been decided against them that they were not to be heard. Upon the second step, upon what he deemed not an extraordinary claim, but the privilege of every party in every suit, and in every criminal prosecution—he meant the specification of the places where the alleged acts were committed, and the times, within a reasonable certainty and a reasonable latitude—a specification which was given in every case, not only of high treason, but in every case the county was specified.—Upon this second point they had been refused, and without being heard. They were referred, such was the specification of the charge, to three of the four quarters of the globe. It was not in Middlesex or in Durham that the offence was charged to have been committed, but the charge extended over Europe, Asia, and Africa; over countries, cities, or villages; over provinces, kingdoms, or empires; inhabited or uninhabited; wildernesses, seas, rivers, towns, or cities in all this variety of countries. This was their peculiar situation. It was peculiar that there was no *venue* in this case, because in every case the *venue* was an essential particular. This defect was of peculiar weight, and occasioned peculiar difficulty in the defence, when no offence at all had been committed. If her majesty had sinned any where, she might have some suspicion of the place to be charged, and by consequence some anticipation of the sort of evidence to be adduced to support it. But because she was not guilty, and had not been, for aught that might appear in evidence, in the places where the offence might be alleged to have been committed; because she was thus innocent, she could not conceive the places of the alleged offence, or the persons in those places who should give evidence. This second essential point their lordships had decided against them without hearing them. They did ven

ture to hope that they had attained to the meaning of their lordships' orders; and they conceived that in their peculiar situation, not of their own seeking, but of their lordships' making, some advantages were to be allowed them to meet the peculiarity of difficulties which their lordships in their wisdom had devised. They conceived that to meet the peculiar difficulty, another peculiarity was ordained by their lordships as an advantage that might compensate in some measure the disadvantage. They little thought that when this advantage came to be sifted, it would be found simply the common advantage which every defendant enjoyed as a clear, absolute, indisputable right; which every party, as well as every defendant, was invariably allowed. Their lordships had created the peculiar difficulty, and they were therefore bound to afford a peculiar remedy If the bill was unparalleled, if the proceeding against the illustrious defendant was without parallel with respect to the facts, or details, or principle, in any one judicial proceeding in the world, then was it equally unparalleled to deny the relief required by the extraordinary nature of the mischief, which in their minds was up to the present hour unparalleled. In the case of the Duke of Norfolk, the noble defendant (the duchess) had every advantage given to her by their lordships which she could desire. It was not true that she had only a list of the witnesses; it was not true that she had only the places and times specified. She had objected to the vagueness of charges embracing seven parishes and five months, and asked to have the months applied to the parishes; and their lordships had allowed that, and ordered the month and the place of every act of adultery to be specified, and a second amended particular to be given in for this purpose. Four days had been allowed afterwards to prepare for meeting those charges, so that she could go to Windsor, and to the other places, in order to obtain evidence. This was not all. The examination extended to names, marriage, abode, &c. All these minute particularizations their lordships upon their journals would be found to have allowed in the case to

which he alluded; and yet, notwithstanding the most extraordinary detail of apparently guilty facts—three or four witnesses indeed spoke in their examination-in-chief to the fact of finding the duchess actually in bed with her paramour, and another spoke of what had occurred in terms too revolting to delicacy for him to repeat—yet, notwithstanding all these proofs and circumstances, a few questions in cross-examination had had such an effect as to induce their lordships to throw out the bill. The case to which he alluded was one where proof to ocular demonstration was tendered and taken, and yet the bill was rendered a nullity by the cross-examination of the witnesses. So much for the case of the Duchess of Norfolk in 1691. But he would come to the more material part of what he had now to address to their lordships. Did they, he asked, with an earnestness that he trusted bespoke his anxious suspense for a reply, mean now to retract what was termed "the extraordinary advantage" which from the outset they were disposed to give to his illustrious client in the progress of the case?

In any way in which their lordships could place him, he had disadvantages. "O my lords, (exclaimed Mr. Brougham,) monstrous indeed will be the disadvantage to which we shall here be exposed, in comparison with the situation in which the courts of common law would place us, if your lordships will now tell us that the course of your proceeding, and the only course will be, first to hear the examination-in-chief, then the cross-examination, then the re-examination, and after that nothing but what shall be previously submitted to the opinion of your lordships: no question to be asked a witness except through your lordships: no series of uninterrupted questions to be allowed us in the situation in which we are placed. If this shall be your lordships' final and irrevocable decision, then, I repeat, monstrous will be the disadvantages which must environ us in the performance of our duty; and still more monstrous is it to tell me, that this is done in conformity with the ordinary rules of law." He implored their lordships to pause before they placed him in

such an embarrassing situation, and before they suffered it to be pretended that it was justified by any analogy with the practice of the ordinary tribunals. All he wanted was, that they should abide by the practice of the courts below; he desired no more; that was all he asked at the beginning, and he now asked nothing more, when, as he believed, their proceedings were about to come to a close. All he conjured of their lordships was, that they would take these rules as a whole, and not fritter them away partially; not to adhere to them rigidly where they fettered the queen, and depart from them to benefit the king. He again repeated, that all his illustrious client desired was even-handed justice; with it she was safe, without it innocence conferred no security. He had been told, that he was to enjoy in this case an extraordinary advantage not enjoyed by an accused in any ordinary case; for that, after the whole evidence of the prosecution had been gone through, his illustrious client might have two months to prepare her defence. He wished indeed he could take comfort from this, which some were pleased to call an extraordinary advantage. But where were the boasted enjoyments of this extraordinary advantage? He prayed their lordships to see the absolute nullity they would make of his cross-examination, if they confined it to the "extraordinary advantage," as it was called, of showing special cause for putting each question, and then putting it through their lordships. To avail himself of this extraordinary advantage, he was in the first place left without materials How was he to pursue the cross-examination of a witness, whose face he never saw until he was produced to give his evidence? Such was the case of the female witness whose examination was suspended: she spoke of occurrences at Carlsruhe, and that was the first time he had ever heard of such a place as having any relation to this case. The consequence of the step already taken by their lordships became more intricate for him, from the circumstance of the great distance at which this investigation was carried on, from the places through which her majesty had journeyed during the long

period of six years; over this space and along that journey he had to cast his eye, without mark or guide to fix it on any spot which it might be advisable to measure for the purposes of her majesty's defence. Their lordships, with a view to obviate this difficulty, had promised to afford a delay of two months, to seek the necessary information, from which was to be drawn the materials for her majesty's defence. But delay was always considered prejudicial to the party on trial, if even a single day intervened between the opening of the case and the defence of the accused. The prejudice of this delay was avoided by the very nature of the forms of judicial proceedings in this country. If the case were of a civil nature, the declaration contained a full specification of the charge: if of a criminal nature, the same information was communicated either by the indictment or the information. Such were the wholesome provisions of the English law. Did their lordships believe that there was so much magic in the dress of a counsel at their bar, or such a charm in his education and legal acquirements, as that he could at sight of a witness whom he never saw, nor ever heard of before, strike upon all those points of character and conduct which it were necessary to sift to ascertain moral credibility, and at once to enter upon a cross-examination with as little preparation as he could read from his brief? A counsel cross-examining had to feel his way with a reluctant witness; he had to get his answers just as he could, and to compare and collect the parts in his progress; he had as it were to eviscerate the truth from the witness. It was in vain to say this could be done if a counsel were to proceed step by step, with each question put (if it were put) through the medium of their lordships, and liable every moment perhaps to the demurrer of the learned counsel opposite. When their lordships talked of any analogy with the proceedings of the other courts of law, he begged to ask at what period since the foundation of those courts, under the guidance of upright judges, had a counsel been called upon to cross-examine as he (Mr. Brougham) would be called upon, if their lordships laid down the rule

against which he now contended? To call such a mode of proceeding a cross-examination would be a mockery of the term; to tell a counsel that he might cross-examine after the manner he was allowed in a court of law, and to tell him, in the same breath, that he must lay a ground for each question, and have it then put *ex gratiâ* by their lordships, was to render his task a nullity, and a mockery of the sanctioned practice before the judges of the land: and this, too, was to be conceded as a favour, which, in any of the courts below, and from any of the revered judges who presided in them, he should disdain to accept in any other way than as an undoubted right. It was on these grounds he humbly submitted to their lordships, that they would not now place him in a different situation from that in which he supposed he stood, by their lordships' considerate attention. He hoped now, that the expectations held out to the counsel for the queen were to be realized, and that they were not to learn that their lordships' rule of one day was not to be their guide for another. If it was the will and pleasure of their lordships that the counsel for the illustrious accused must act under restrictions like these, which trammelled the fair and full performance of their duty; if it was their final command that her majesty's counsel during the remainder of these proceedings were merely to sit at their lordships' bar, and grace by their corporeal presence the business of each successive day; if that, he repeated, was their lordships' irrevocable decree, then he hoped at least that he and his learned friends would be permitted to revise their first resolution of trying to assist their majesty in the conduct of her defence. He still, however, relied upon the sense of justice which must ever reign in their lordships' breasts, and that the influence of that good feeling would save her majesty's counsel from being placed in such a predicament. In any thing that had occurred he by no means meant to yield his right to pursue that line of ample cross-examination for which he now humbly, but he trusted effectually, contended at their lordships' bar. He concluded by apologizing to their lordshi for the time he had occupied them, and for which the

only excuse he had to offer was, the paramount importance of the point for which he contended.

Mr. Denman rose to address their lordships on the same side. He began by stating, that nothing but the extreme importance of the privilege for which he had to contend would induce him to address their lordships, after the able and eloquent speech of his learned friend. He had to thank their lordships for the kind indulgence he had hitherto received, but at the same time it was his duty as one of the counsel for the illustrious accused to protest against any restriction being now for the first time laid upon their mode of cross-examination, in the course of this long, harassing, and almost overwhelming investigation. Their lordships could not but be seriously impressed with the reflection that no protection could be now withdrawn from her majesty in the management of her defence of which the meanest person in the land could not hereafter be deprived upon the precedent now set; he therefore contended now, on the part of the king and the people, for an important right, which, if refused, wrested from an accused his strong hold, and reduced the power of cross-examination to a mere mockery and a name. If a counsel were to be restricted in the exercise of so invaluable a privilege, what security had any man either for his life or his property against the machinations of any perjured wretch who might assail the one or the other? It was not for a mere technical form that he was now contending with lawyer-like pertinacity; he was contending for a vital principle which was essential for the attainment of the great ends of justice, and he implored their lordships to pause before they departed from an established rule, which formed so strong a shield for innocence. He implored them to pause before they entered upon a vacillating course of proceeding, laying down rules one day which were to be departed from the next, when they were found to embarrass the proceedings of a party who did not like any obstacles to be opposed to their progress. The learned counsel then proceeded to

detail the manner in which the life of a subject was fenced round by the law in cases of high treason, to protect him from the machinations of power. Their lordships, if not disposed to adopt the same principle in its full extent in other cases, should take care how they limited it in a form of proceeding so essential as this for the protection of the accused. Suppose any one of their lordships' friends who might happen to be now travelling in remote parts of the world, were to be charged with a crime at which human nature revolted, how was he to rebut that charge, if denied the power of sifting to the bottom by cross-examination the story of the witness? He then contended, that in a court of law he would be allowed at any period of a trial to recall a witness, or produce another, to show a material fact which previously he had no opportunity of knowing. If therefore the analogy of courts of law were to be followed, the advantages which they conferred should not be lost sight of; the accused at least ought not to meet with a diminished protection. To cross-examine a witness by measured steps, and through the medium of their lordships, upon cause being shown, was at once to set at nought the whole power and force of a cross-examination. If the legal advisers of the queen had enjoyed the advantages of seeing those papers which had been seen by their lordships; if they had examined those papers, seen who were the parties who had signed to the accusations, and what were the accusations to which they had so signed, they would then have possessed means of cross-examination from which the course adopted had precluded them. It was impossible not to perceive that, through the whole course of the inquiry, certain noble lords, who had been upon the secret committee, had been putting questions to the various witnesses which arose out of sources to which he (Mr. Denman) and his colleagues had no access. It was some satisfaction that their lordships had decided to hear counsel before they made the order in question; for, with every respect for the judicial authorities of the land, he would take the liberty to say that their decisions were always most just—certainly most satisfactory—when they pro-

ceeded upon the argument of both parties. The situation was new, for he had never before known counsel called in as to the manner of laying down rules to regulate the judgment of the house; but, generally speaking, he should contend before their lordships, that if her majesty's counsel were to be deprived of the most full, the most ample, the most extensive right of cross-examination; if they were to be precluded, at the very moment which cast new light upon the case, from showing falsehood, if falsehoods existed, and from showing infamy, if to them infamy properly belonged, upon the characters of those by whom infamous charges had been supported; if those who appeared upon her majesty's behalf were to be prevented from doing these things, it would be better for their client, for justice, and for the country, that those persons at once should withdraw from the inquiry; not, however, withdrawing the grave and solemn protest under which they had entered upon it, than continue by their presence to sanction a proceeding in which no real justice could be expected—a proceeding which devoted one party tc destruction, and which denied to a defendant the means of a defence. The queen protested against the whole proceeding from first to last; but she demanded the right of cross-examining in the most effectual manner every witness brought against her; and better it would be that the inquiry before the house should occupy the summer months for the next ten years to come, better that the inquiry should be interminable, than that their lordships should proceed in the infliction of injustice, or establish a precedent by which themselves might be destroyed, which might involve the safety of every subject in the realm. Let their lordships pause, let them consider of the consequences, and the learned counsel was convinced they would but consult their own interests and their own ho nour by consulting the interests of justice; of that justice which, if not bound up in technical forms, rested firmly upon principles of unwritten law—upon principles which were found in the breast of every man of cultivated understand ing; and in sacrificing which men sacrificed their own most

precious and most vital interest in the social compact under which they lived.

The Attorney-general apprehended the real question to be whether their lordships should adhere as closely as possible to rules laid down by the wisdom of our ancestors, and sanctioned by the practice of ages, occasionally relaxing from the strictness of those rules, not to injure, but to benefit the defendant? The principal accusation which he had now to rebut was the general nature of the charges exhibited in the bill; and a denial of the list of witnesses by whom those charges were to be made out—topics, he thought, for declamation rather than for argument. It had been stated to the house that, in every criminal proceeding of similar description, the party accused was, as a matter of right, apprized of the time and place at which the specific acts were imputed. In every common indictment, certainly, the time and place was specified and set forth; but the learned gentleman knew perfectly well, that the specification was not held binding, but that the prosecutor was at liberty to prove any other time and place which suited his purpose: and with respect to the other point, the list of witnesses, with the single exception of the crime of high treason, there was not a criminal proceeding known to the law of England in which such a document was furnished before the inquiry. Even the exception as to cases of high treason had been treated by no less an authority than Mr. Justice Forster, as an improper and injudicious measure, calculated to clog the course of our criminal proceedings, and likely to produce even more inconvenience to the party charged than to the prosecutors. The instance of high treason, however, was a solitary exception to the law of England. The learned counsel had stated, that in every case of civil proceeding, the defendant was informed, not only of the time, but of the place, at which the acts were charged to have been committed: he (the Attorney-general) must be excused if he declared that statement inaccurate; for in the very case to which the present proceeding had been

likened, in the case of an action for criminal conversation, the plaintiff was left at liberty to go over the whole globe if he pleased, to extend his charges over a period of six years, and no means were afforded to the defendant of learning either the time, the place, or the nature of the acts which were to be proved against him. The house had heard a great deal stated, and inaccurately stated, though certainly not with intentional inaccuracy, of the Duchess of Norfolk's case. The charge in the preamble of that bill would be found to state merely, that the wife of the Duke of Norfolk had committed adultery, without stating either with whom, or at what period, and without confining the charge either to place or time. Upon a complaint from the duchess that the party was not named, a particular was given in; a particular, not confined, as had been stated, to a period of four months, but embracing an infinite variety of times and places, during a term of no less than six years, from the year 1685 to the year 1691; and to that part of the complaint which prayed a list of witnesses, no answer—none at least which he (the Attorney-general) could discover—had been returned by the house. And the case of the Duchess of Norfolk, therefore, so far from proving that which the learned counsel (Mr. Brougham) had sought to prove, proved directly the contrary. The same learned gentleman had told their lordships that he (the Attorney-general) came even now, at the twelfth hour, to ask of the house to introduce new rules. He denied the charge. It was the learned counsel on the other side, who were calling upon the house to introduce a new rule for their own benefit, a rule subversive of all justice, not only in proceedings of the present character, but in every description of proceeding which could be brought before that house. He objected to the course contended for by the learned counsel on the other side, because it would lead to an interminable case. The course suggested would even be unfair toward the party accused, because the very first principles of practice indicated the necessity of cross-examining a witness instantly, before he could have time to recollect himself, to arrange his answers, to model his replies, and make

them correspond with his examination-in-chief. Their lordships had already granted that which ought to be satisfactory, every thing which could, with propriety, be granted; but her majesty's counsel insisted upon no less than this—that the house should lay down a broad general rule, in direct contradiction to their own established course of proceeding, and to the proceedings of those courts below, in which questions affecting the lives and fortunes of individuals were every day decided. But the house, in acceding to the desire of his learned friends on the other side, would be acting on the assumption that facts would be discovered. The house had no right to make such an assumption. Suppose no facts were discovered: the house would have placed itself in this situation—that the whole of the case must be gone through before one question on the other side could be put to the witnesses. For the inconvenience likely to attend such an arrangement, he would appeal to the proceedings of the house during the last week. Had not the most important information been elicited, by questions coming from their lordships at the moment, which would probably have been lost altogether, if any bar had existed to putting those questions at that particular time? Once more he begged to be understood as merely pressing their lordships to proceed as they had begun; as protesting against the introduction of a new regulation, which, far from aiding the fair investigation of the case, would have a directly contrary effect; as requesting, on his part, no deviation from the established course of proceeding; and as thinking that the indulgence of the house had already granted to the learned counsel on the other side every thing that could fairly be asked, or properly be conceded.

The Solicitor-general rose for the purpose of supporting the allegations contained in the bill; but trusted that the house would permit him first to advert to some of the assertions of his learned friend the Attorney-general for the queen. His colleagues, as well as himself, had been charged by that learned gentleman with acting as parties in the present

proceeding. The learned Attorney-general and himself had been directed by the house to lay before it the evidence in support of the bill. In so doing, he trusted they had acted with candour and with caution; they had laid the evidence up to the present point fully before the house; and had not, he trusted, in so doing, pressed any argument which their duty had not compelled them to press, or taken any course but such as had appeared, to their fallible judgments, the best calculated for the elucidation of the truth. The learned Attorney-general for the queen had complained of misrepresentation. There was no person living but must have observed that, if there had been misrepresentation abroad, false charges and calumnies, those calumnies had not been confined to his party; but had at least been equally shared by the side which the learned complainant represented. It was impossible, indeed, to take up a daily paper without finding it filled with the grossest libels against their lordships, against the conduct of the evidence, against the characters of the witnesses, and indeed against every individual in any way connected with the present proceedings. When this charge had originally been brought forward, the learned counsel on the other side had suggested that time should be afforded to the queen to meet and answer them. In consequence of that demand, time had been afforded, at a period far more advantageous to the defendant—at a period subsequent to the statement of the facts—after the evidence was before the house, and when the whole case of the prosecution was known to the queen and to her advisers. And yet the other side now came to complain that time had not also been allowed them to collect materials for cross-examining the witnesses. To that application the house, upon consideration, would find it impossible to accede. He would refer to what had been so often stated in the course of the present proceeding, that according to the language of Lord Cowper, "Although the tribunal was in form legislative, yet, in substance, its character was judicial. The learned counsel on the other side had said, that it was impossible for them to proceed at present in the inquiry, be-

cause they had not been furnished with a list of the witnesses against them. He begged leave to state as a fact, not to be doubted or disputed, that in no criminal proceeding whatever in the country, before any tribunal, was a party entitled to come forward and call for a list of the witnesses on the part of the prosecution. It might be said that when a person was charged upon a common indictment, the names of the witnesses appeared upon the back of the bill. They did; but the party accused had no right even to the inspection of the indictment until he stood arraigned upon his trial; and bills frequently were found by the grand jury, and the party, without the interval of a minute, put upon his defence. The learned counsel who appeared on the part of her majesty had urged that the prosecution had improperly failed to specify the time and place at which the acts were charged. In answer to that complaint, he begged leave to state, that the charge was a charge of a continued series of acts of adultery following the queen wherever she went; so following her of necessity, because she was always accompanied by the individual—always cohabiting with him. If, therefore, the bill had stated the times and places at which the acts were charged, it must have included every place which her majesty had visited in the course of her voyages; it must have deposed to the whole period of time from her arrival in Venice to the institution of the proceeding against her: and the necessary consequence of omitting such continued charge would have been, that if any witness could have spoken to an act of adultery committed in a place not set forth in the bill, that witness could not have been examined. The learned Attorney-general of the queen had stated, that in every civil as well as in every criminal case, the party accused was entitled to appear before the judge, and to demand a specification of time and place.

In the presence of almost all the law in the land he denied that there was any such rule; but the learned counsel on the other side introduced every thing, founded or unfounded, to make out, if possible, something like a plausible case before the house. After these mis-statements by the queen's attorney-

general, in which, however, he was not supported by his learned co-adjutor, their lordships would know what reliance in future to place upon assertions from that quarter. It was said, that the other side could not cross-examine. Why not? To put the case of Saturday, why could not that witness be cross-examined? She swore that the queen was present at all the times of which she spoke; and could not the counsel consult their illustrious client, and obtain all the information necessary for cross-examination? Cross-examination ought not to be confounded with contradiction; to contradict a witness others must be called, but if a witness had previously given a different account of a transaction, and that fact should be discovered after the cross-examination had closed, he could not be contradicted on the subject, unless he had been questioned regarding it. He would now turn the attention of their lordships to what would be the effect of granting the prayer that had been made. He denied that the examination could be renewed at a future time: matters of the highest consequence, suggesting themselves in the course of the examination, would be forgotten, and it was idle to say, that they might be revived by a subsequent perusal of the evidence; all who were at all acquainted with the human mind must know, that it would be cold and lifeless compared with the active suggestions of the moment. In this view the postponement would produce a grievous evil. Another difficulty appeared insuperable. How was it possible for the counsel supporting the bill to know how to conduct the inquiry, unless they were informed a little of the course of the questions and observations on the other side? Cross-examination was one of the most important inquiries in eliciting truth, not by confuting, but by confirming the witness; and if, on the other side, they were permitted to know all the case against them, without giving the accusing party the least hint of their intentions, it was an unfair and an unjust advantage.

He might perhaps say, that it had been suggested, that if the cross-examination were delayed until all the accusing witnesses had been heard, the counsel in support of the bill would

have a right to insist that they should not be compelled to cross-examine the evidence for the queen until after the lapse of a reasonable time. Thus the proceeding might be eternal and interminable: it was impossible to see where it could end. He did not urge these inconveniences so much in answer to the arguments on the other side, as to show the wisdom of the rule now prevailing, and from which he hoped the house would not depart. It could not be infringed without infinite danger and positive mischief—without breaking in upon the rules and principles by which hitherto truth had been ascertained and defended. As the object of this proceeding was the investigation of truth, he might be allowed to add, that the recommendation would be injurious even to the queen: the witness would thus have an opportunity of deliberating upon the evidence he should give, and of preparing himself for cross-examination; and to avoid this, all courts of law required that the cross-examination should immediately follow the examination-in-chief. After recapitulating the various points he had urged, the learned counsel went on to observe, that although in the ordinary administration of justice, the circumstances of the witnesses coming from abroad gave neither party a claim to postponement, yet their lordships had granted as much as possible, without wholly defeating the ends of justice. An important advantage had been conceded to the other side, for it was decided that the cross-examination should not be entirely postponed: if any facts could be adduced coming afterwards to the knowledge of the party, their lordships relying on the candour of the counsel for the queen, had consented that the witness should be called back, and the cross-examination renewed. No tribunal could go further; but to grant the whole request of the counsel for the queen would be to defeat the whole object of the inquiry.

Mr. Brougham commenced his reply by stating, that little had been offered on the other side requiring an answer. He could not, however, allow their lordships to separate without setting himself right with regard to misquotation (undesigned

of course), which he was supposed to have made from their lordships' journals. The counsel on the other side were very sharp, but it would have been well for them to have been accurate as well as sharp. The Attorney-general had fallen into an error, though he was aided and accompanied by the Solicitor-general, who generally spoke with great contempt of every body but himself, and their lordships. The Solicitor-general had too a most able coadjutor, and between them both it might be said that they had exclusive possession of all law, all the wisdom, all the talent, and all the accomplishments on the present occasion. In truth, the counsel for the queen had only one or two books to which they referred, and which they held up as a screen against the desperate severity of the attack just made upon them. Much had been said regarding the case of the Duchess of Norfolk; but while his learned friends, relying on their own resources, only furnished themselves with Cobbett's state trials, he and the queen's Solicitor-general had been obliged to provide themselves with the original journals of the house. The other side relied on the octavo edition, while the original folio, which would be evidence in a court of justice (if he might be allowed to state what would be evidence, not so much in the face of the judges of the land, and of their lordships, as in the overawing presence of that greatest of all law authorities, the Solicitor-general, by whom he had been rebuked within the last half hour,) had been produced in opposition to it. From that folio it was evident, that all that the Attorney-general advanced was founded in error, and that all that he (Mr. Brougham) had said was confirmed by indisputable fact. God forbid that he should glory or triumph over the amazing powers of his learned friends; but it did happen, that about half an hour ago, and in this house, (for he had no objection to specify times and places with the utmost possible precision), he had read the 46th and 47th pages of the journals of the House of Lords, where was stated the whole of what he had ventured to submit. It there appeared that the proctor of the Duchess of Norfolk had asked many questions

of the witnesses, in order to furnish himself with the means of ascertaining their conduct and character: he had inquired of Margaret Edmonds where was her last abode, whether she was single or married, with whom she now lived, and other interrogatories of the same sort; after which she was sworn, and not till then. The same course was pursued with Anne Burton; she was asked if she were a maid (he had ventured to put no such question to the witness of Saturday), whether she always had lived in Chancery-lane; whether she had been servant to the Lords Ferrers and Devon, and whether at the time of examination she lived at her own cost and charges; to the last, much to her credit, she answered in the affirmative. Then she was sworn, and not till then; and the same mode was pursued with twenty other witnesses, one of the last of whom was Richard Owen, and he was asked whether he was kept by the Duke of Norfolk. But, said the Attorney-general, from his great authority, Cobbett's State Trials, no copy of charges and no list of witnesses was given; but from the journals it was clear that the contrary was the truth. The duchess petitioned for them, but a difficulty was for a time thrown in the way by a Latin protest delivered in by the proctor, which for the more easy comprehension of the House of Lords must first be translated into the vulgar. At length, however, the list was furnished, and most complete it was, for it went over the life and occupation of every witness for six or eight preceding years, and then three further days were allowed to the duchess for inquiry. Therefore, he said, with all possible humility and deference to the learned self-complacency of the Solicitor-general (with whom he was far indeed from putting himself in competition, for all that he (Mr. Brougham) had acquired had come rather by the grace of God than by any industry or merit of his own) that the case completely bore him out in all the observations he had made.

The Attorney-general begged to be allowed to remark that the charges against the Duchess of Norfolk only included a period of five months, and not of five years.

Mr. Brougham answered, that if time were of any conse

quence to his argument, he could show here that the Attorney-general was again in error, for the specification allowed to the duchess extended from January, 1685, to August, 1691; and if the same course had been adopted with regard to her majesty, she would at this moment have stood before the world in a very different situation. So much for the Attorney-general. He (Mr. Brougham) felt infinitely more awe in approaching his most learned coadjutor, because he knew his habit always was to tell the opponent who "touched him near"—"Go away, Sir; you are no lawyer—you can be no lawyer—you are only the queen's Attorney-general, but I am the king's Solicitor-general; therefore I am a lawyer, and a most accomplished lawyer." That was a fact he (Mr. Brougham) could not dispute or traverse, and that alone was enough to deter him from attempting to grapple with any of the arguments adduced: he felt a conscious inferiority: he was aware that he was far below the king's Solicitor-general in rank and in knowledge: the Solicitor-general might say that he was only "a little lower than the angels," and a very little it was, if his own opinion were to be taken: the wonder therefore was, that with all his learning and greatness he could condescend to mis-state the arguments used against him. He (Mr. Brougham) felt the highest admiration for the great man of whom he was speaking: nothing he could say could add one leaf to the wreath of laurel he had obtained—nothing he could advance could give one more spark to the glory both he (the Solicitor-general) and his powerful coadjutor had been daily increasing during this investigation, and before the patrons of this bill, to whom they were indebted for their well-merited professional promotion. *Proprio marte* they had acquired immortal reputation, and melancholy it was to reflect, that even these men, the most illustrious and exalted of their species, had still some taint of the frailty of our common nature. Not only had they mis-stated arguments, but they had substituted one for another. He (Mr. Brougham) had never said, that in a civil suit the defendant was entitled to a particular of time and place, but that he had a right to such a particular, as

added to the contents of the declaration, made it a matter of absolute certainty that he could not be taken by surprise, but must come prepared into court. If this were not furnished, a judge would make an order for the purpose, and in his own little experience (never comparing it with that of the king's Solicitor-general) this had been done over and over again. But this was not a civil action, nothing like a civil action; and he asked whether, in all criminal proceedings, certainty was not by law secured to an individual accused? A man committed for a felony to York-castle, and put in a course of trial in Yorkshire, knew that the offence must be charged to have been committed there; but here the crime was extended over many years and over many quarters of the globe: Europe, Asia, and Africa were charged as the scenes of her majesty's adultery. In the same way an indictment was not for a series of felonious acts: it was for picking the pocket specifically of A. B., and not for a pocket-picking intercourse of seven years of a man's life; and there was hardly an instance of a person being put upon his trial in this country, who was ignorant of the precise nature and extent of the charge, and of the place where the offence was alleged to have been perpetrated. A great deal had been said about the necessity of laying down a rule as a guide for the future: far be it from him to object to the utmost regularity, but it did seem a little strange that all of a sudden men's minds were directed to proceedings of this kind, as if bills of pains and penalties were hereafter to form a great chapter in the law of the land. Resolutions might be made by the house not to draw certain matters into precedent; but that was a bungling way of doing business, and he would seriously ask their lordships if they were bound here to act as if queen bills were to become in future as common as turnpike-road and canal bills? The argument had been pushed even thus far: it was said, that it was better that the individual in this particular case should suffer than that a permanent rule should not be established. Surely this argument, if good for any thing, might be pressed both ways, for he might ask their lordships to lay down a rule favourable

to the queen, and pressing hard upon her accuser, in order that in future it might be adhered to inflexibly. Why was all the load to be cast upon the weaker party? Why was a rule to be made at the cost of the queen only? The rule of law, and the ordinary merciful presumption of judges was, that it was better that ten guilty should escape than that one innocent should suffer: but now it was to be reversed at the instance of those two sages of the profession, and ten innocent were to be punished that one guilty might not avoid the merited sentence. But the queen was in a situation of great disadvantage compared with her prosecutors: her acquittal, nay, even her conviction, could not be pleaded in bar of any further proceeding: this bill might be withdrawn and amended, again withdrawn and again amended: *toties quoties* new measures might be offered to their lordships against their queen, and session after session she might be put upon her trial. This was no slight difference; and another important distinction had been demonstrated already by the evidence, that the queen's accusers had a power of procuring witnesses which she could not enjoy. Not only were large sums at their command, not only was force used where bribery failed, but the foreign force (for the conclusion was irresistible) used to bring the king's witnesses, would not be employed to make those of the queen come. Further, the same force found effectual in driving the king's witnesses over would be exerted to keep the queen's witnesses back. He did not profess to be so deeply skilled in human nature as his learned friend, but he guessed that the same power which said to one man, "Go over to give evidence against the queen," was not likely to tell another, "Go you to give evidence in her favour." He might assume even more; the government which told the king's witnesses to stay away from England at their peril, would warn those of the queen to go to England at their peril. Upon these grounds he left the case with the house, without at all pretending to be able to estimate either the importance of new impending difficulties, or of those in which it was al-

ready involved. He had of course no right to offer any advice or suggestion to their lordships, and perhaps

——— "Should they wade no more,
"Returning were as tedious as go o'er."

Mr. Brougham having concluded,

The Earl of Liverpool rose immediately to move an adjournment, as the house would probably wait until to-morrow morning before it came to any decision on the important question. One circumstance in the situation in which he stood, he felt it an imperious duty to notice in a few words; and it was with reference to what had been said relative to measures of compulsion in bringing foreign witnesses to this country, and to the funds used for carrying on this prosecution. As to the last, he could state that unlimited sums had been placed at the disposal of the professional advisers of her majesty, for the purpose of collecting evidence, and conveying it to England, so that here the government hoped no superior advantage. The compelling of witnesses to come over, of course depended upon the state from which they were taken; some neither could nor would oblige them to give evidence, but on the part of that power more especially referred to, it had been announced to one of the legal advisers of the queen, that whatever degree of compulsion had been used to bring over witnesses to support the bill, would be employed, if necessary in securing the attendance of persons in opposition to it. If any difficulty arose, care would be taken that equal and impartial justice should in this respect be done.

Lord Erskine did not rise to oppose the adjournment, but to caution the house against the thickening difficulties that surrounded its proceeding. He thought he could pledge himself to convince their lordships that the course now recommended was utterly untenable, and that it would perhaps be better to adjourn for such a period as might reasonably be demanded by the counsel for the queen, and to grant a list of the wit nesses yet remaining to be examined, with a specification of

the dates and places to which their examinations might refer In his view this course would be attended with advantage even to the king himself, but he would not argue it further at present.—Adjourned at five o'clock.

THE QUEEN'S PROGRESS TO AND FROM THE HOUSE.

Her majesty came down to the House of Lords at half-past two o'clock. She did not arrive in town till half-past twelve, as she naturally expected that the greater part of the day would be spent in debating, and that her attendance would be unnecessary at an early hour. The period between her majesty's arrival in St. James's-square, and her departure for the House of Lords, was, we understand, occupied in receiving addresses. The crowds that assembled at a very early hour were immense; and at ten o'clock it was almost impossible to walk along Pall-mall, Cockspur-street, &c., in the direction of Charing-cross; so thronged were the flag-ways with persons of both sexes, and of the most respectable appearance, moving towards St. James's-square. Her majesty left St. James's-square a little before two o'clock, accompanied by Lady Charlotte Lindsay, and followed in a coach and four, by her chamberlains. During her progress to the house, her majesty was received with the most unbounded acclamations, by all ranks of people. The ladies in the windows of the different streets through which she passed waved their hankerchiefs, and poured forth their benedictions on her head; and the gentlemen followed, with energy, the example of their fair companions.

Her majesty left the House of Lords at half-past four o'clock, and on her return was hailed with greetings as energetic and as general as those which pursued her course to the house.

The customary honour due to royalty was paid to her majesty by the horse and foot guards on duty in Palace-yard, on her arrival at and departure from the house. Her majesty looked extremely well, and appeared to be in excellent spirits

ELEVENTH DAY—TUESDAY, AUGUST 29.

COUNSEL were then called in, and informed, "That under the special circumstances of the case, the house consented to the counsel for the queen proceeding in their cross-examination in the manner they proposed; namely, that they may be at liberty to cross-examine witnesses immediately after the examination-in-chief, to such extent as they may think proper, with liberty to call back the witnesses, at a future time, for such further cross-examination as they may desire."

Meidge Barbara Kress was again called in, and further cross-examined by Mr. Brougham as follows, through the interpretation of Mr. Kersten.

Where do you live now? In a private house.

Where? I cannot say this.

How far is it from this place? I came in a coach; I do not know how far it is.

On which side of the river is it? We came over a bridge.

Who lives in the house with you? Only the people of the house.

Where does your brother live? He is with me in the same house.

Has he given you any money? No.

Never at any time? My brother did not.

Did your brother at no time ever promise to give you any at a future time? Not my brother, he cannot promise to me any thing.

Why cannot your brother promise to you any thing? How could he promise to me any thing?

Do you mean that he has no money of his own? Only that which he took from home.

What trade is he? A potter,—a master potter.

What is your father? My father was a serjeant in the army; he is dead.

Is your mother alive? No; I have a father-in-law now.

What is your father-in-law? He is a master weaver, but he no longer carries on his business, because he is too old.

Did any person give you any money before you came over here? No; except the gentleman in Carlsruhe, those ducats that I mentioned?

Did nobody promise to give you any money after you should come back to Carlsruhe from England? Nobody promised me any thing.

Will you swear upon the oath you have taken that no person promised to give you any advantage of any sort after you came back from Eng-

land? Nobody promised me any thing, but they said I should have "dedommagement" when I came over.

Mr. Goltemann.—"Compensation for the time I had lost."

How much were you to have for compensation? I cannot say what I should get.

Who was it that told you you should get compensation? The minister, our minister.

Which minister? I said to him I must be compensated for the loss of my situation.

Mr. Goltemann.—"That I should lose my place by it, and that I must receive some compensation for it."

What minister are you speaking of? Monsieur de Berckstett; that gentleman told me that if I would not go voluntarily, I should be forced

Whose minister is he? I cannot tell this.

Is he not minister of the Duke of Baden? I do not know whether he is minister of foreign affairs, or for the interior.

Mr. Goltemann.—That she does not know whether he is minister in the country, or ambassador.

Mr. Brougham.—Do you mean that you do not know whether he is one of the duke's own ministers, or a minister at the duke's court? Probably; I do not know, I only know his name; I have not yet had any business with that gentleman, except just this.

How did you happen to see that gentleman? They have called me.

Do you mean that he sent for you? Yes.

Did he not come to the rooms in the inn where you lived? Not monsieur de Berckstett.

Did not monsieur Von Reden come to look at the rooms in the inn, while you were there? I did not see him.

Do you know that he was there? I cannot tell, I have never seen him.

Did you see, after the princess left the inn, any other gentleman come there to look at the room? I have seen nobody, except Herr-von Grimm, who came to the rooms and walked about them.

Mr. Goltemann.—He lodged in the inn.

How long had Herr-von Grimm lodged in the inn, before the princess came there? I cannot say this, I have not paid any attention to this, I had other business.

What part of the house did Herr-von Grimm lodge in? He lived in that house, in No. 13, and his brother in No. 14; before the princess arrived he lived in No. 12 and 13.

Did he not give up No. 12 for the accommodation of the princess? Yes, as much as I have seen.

Did he not return after the princess left, and go into No. 12, to look at what was there? Yes, he ran about just when the rooms were left open, and he took again the room afterwards.

Was there anybody with him when he came to look? When he ran about in the rooms there came two other gentlemen, one of them was his brother.

Who was the other? I cannot tell this.

Was he a German or an Englishman? I do not know this neither, I never heard them speak, and I did not pay any attention to it.

What is Herr-von Grimm? As much as I could hear he is the ambassador of Wirtemberg.

What is his brother? I cannot tell this neither.

How oft had you seen the princess before the day that you say you went into the room, and saw her with Pergami? I have seen her very little, I had too much occupation to pay attention to it.

Did not you wait upon her at breakfast in the morning? No.

Did you never see the princess at breakfast in the morning? Once I came in, and when I was to take the mantle to clean it, I have seen her.

Was it after that time you saw her in the room with Pergami in the evening? Yes, afterwards.

Do you mean that you saw the princess in the room with Pergami, after you had been called in at breakfast, or that you had been called in at breakfast after you had seen the princess with Pergami? Yes, afterwards they called me, for they had spilt something which I was ordered to clean away.

Do you mean that it was after you had been called in in the morning to wipe up that slop, that you saw the princess and Pergami in the evening? Yes, afterwards.

Where did the princess dine on the day, on the evening on which you saw her in the room with Pergami? I cannot say this, I do not know.

Did she dine in the inn? No, I have not seen it, they have not dined with us.

Did they ever dine in the inn, during the whole time they were in your house? I have never seen it, with respect to the dinner; I only know about the breakfast, I have seen them only at breakfast.

Will you swear they dined once in the inn during the whole time they were there? I cannot swear to that, because I have never seen that they dined there; I have not paid attention to it, I had other business.

Will you swear, that the princess and Pergami did not dine at court every day they were in your house living? I cannot know this, whether they dined at court, or where they dined.

Did you see the princess and Pergami, and the rest of her royal highness's suite go to court, during the time they were there? I have seen them twice going away in a carr age, but whether they went to court I do not know.

Have you seen the grand duke come to the inn, to wait on her royal highness? The real grand duke, and several other gentlemen, I have seen come up to the princess.

Mr. Brougham to Mr. Goltemann.—Have you ever examined this witness before, out of court? *Mr. Goltemann.*—Never in my life.

Did you never see her before she came here? *Mr. Goltemann.*—Never in my life.

You never saw her till the other day? *Mr. Goltemann.*—I never saw her till she came to the bar on Friday last.

Have you ever seen her since out of court? *Mr. Goltemann.*—Never.

Mr. Brougham to the Witness.—What do you mean by come up to the princess? I can say nothing about it.

Do you mean that they came to pay their respects to her royal highness? Yes, probably they came to make their visit or court.

Did you ever happen to see them so come more than once while the princess was there? Only once; it was just when I went down stairs that the gentlemen went up stairs.

Mr. Goltemann.—"And then I retired up stairs."

Mr. Kersten.—She repeated that she went down stairs.

Did you ever happen to see them so come more than once, while the princess was there? Only once.

When was it? The other gentleman came with him.

Where did her royal highness receive the duke? I saw that they went up stairs, and then I went up to the third story.

Do you mean to represent that the grand duke and his suite passed to visit the princess at the moment that you were coming out of the room? No; I have seen that they went up; then I went down stairs and again up.

Do you mean to say, that the grand duke and his suite came immediately after you left the room where the princess was? I cannot say whether it was on the same day, or whether it was sooner or later.

Will you swear that the grand duke did not come on that same day to pay his respects? I cannot say; I am not alone in the house; and I had occupations: I have not paid attention to it.

Who was it that gave you the order to go to the room to carry water? Nobody did tell me to do so; it was my business, which I knew, and I did it every evening.

When you looked at the bed one morning as you have stated before, was it at the time you were making the bed? Yes, when it was to be made; for I had nothing otherwise to do with the bed.

Had you made any of the other beds in the house that morning before? No; this was the first which I had made, just when they left it, and except the beds of my master and his wife, which I made.

When you say "when they had left it," do you not mean to represent only when whoever had slept in it had left it? In No. 12, or where do you mean?

In No. 12? As much as I know, I know that the gentleman slept there, and I went to make the gentleman's bed.

Was there or not anybody else in the room at the time you made it? There was nobody in the room, except a servant in a green coat who came into the room.

Did he come into the room while you were cleaning it out? Yes, it was when I was in it he came to assist me in turning the mattress; I asked his assistance when he just was there; he came to assist me in turning the mattress.

Who was the servant in green? I cannot tell you this; there were two of them, but I have not observed them so closely, I do not know to whom they belonged.

Have you ever seen them before? I never saw them before; only at the time when the princess was there, then I saw them running about.

Have you ever seen them since? No, I have seen none of them since she left it.

Did you ever see any of them at any other time when you were making the bed in that room except that day? I do not know; I never came into that room except just in the morning, therefore I do not know whether they were there or not.

Did you not make that bed every morning? Yes, that bed in No. 12, I made it every morning.

Did you see one or both of the same two servants on other mornings there when you were making that bed? Now and then I have seen one of them in the rooms.

Did any of them assist you in making the bed any other day except that day of which you now speak? Yes, now and then one of them came into the rooms and assisted me; sometimes he remained, sometimes he went out again.

Have you any doubt that those two were servants in the princess's suite? The servants came with her; probably they belonged to her, otherwise they would not have come with her.

Did they not go away with her, as well as come with her? Yes, as much as I have seen, they went all away with her as they had come.

Was one of them a Jäger? I do not know this; one of them had a green coat, but whether he was a Jäger I have not questioned him.

When you had that conversation with Mr. Berckstett, about a compensation for coming over here, what did you say to him when you demanded it? I said to him, "your excellency, must I go; for if I do not *must**,

* Sic. in orig.

or if I am not obliged, I cannot leave here; I am a married woman, and I have other business to attend to."

What did he say in answer to that? He said, "if I would not go I should be forced;" and then I answered, "well, then I will go, and God may settle the business as he pleases; my husband will not allow me to go."

When you asked for a compensation for coming, what did the baron say? He said he could not give me any thing; I should leave it to the gentlemen; he had no doubt they would recompense me when I came here.

Did he not also say that you should be recompensed when you got home from hence? No.

Had any of your family a promise of any thing? No.

Will you swear that no promise was given to your husband, or any of your family? I can swear that nothing has been promised to me, and I do not think that anything has been promised to my husband, for otherwise he would have told me so.

The Earl of Liverpool desired the interpreter to state whether the witness had used the same word which he had translated in once instance, "recompense," and in another, "compensation;" he stated that she had not.

The Earl of Lauderdale asked whether it was the same word which had previously been translated "compensated?"

Mr. Kersten said that in one case she had used the word "entschadigung," and in another, "belohnung."

The Bishop of Peterborough apprehended that there was a material difference between recompense and compensation. The word, as he understood it, meant a reward for service; the other, an atonement for loss.

Some desultory discussion ensued as to the sense in which the word had been employed by the witness. At length Mr. Brougham proposed the following question:—

Were the sixteen or eighteen ducats you got for going to Hanover an *entschadigung* or a *belohnung?* I cannot say; it was for my going away from the post to Hanover, therefore it may be an entschadigung, or it may be a belohnung.

Mr. Kersten.—Entschadigung means compensation, belohnung means recompense.

Which do you reckon the ducat was, that the gentleman gave you for seeing him in the morning; was it an entschadigung, or a belohnung? He gave me this for the time lost, therefore it may be an entschadigung for my lost time, for my trouble in going there.

How far was it that you went from the inn? It may be half a quarter of an hour's walk; I cannot say exactly.

How long did you remain with the gentleman; the ducat gentleman? The first time it was the servant who shewed me in; I did not stay long, because I had no time to stop.

How long did you stay the second time? Not long at all, for I was just on the stairs when he gave me the ducat, and I went away; I had no time, I had other business to do.

Were any of the gentlemen that you saw upon those occasions called Mandeville, or *Man Devil* (a laugh), or anything of that sort? I cannot say; I cannot recollect the name.

What do you generally get from a person who sleeps a night at an inn, as chambermaid, when he goes in the morning? It comes to a common purse, and the keller receives it, that is, the waiter.

How much have you ever got, for your share of that purse, for half a year? It was divided every quarter of a year.

How much have you divided for a quarter of a year? Sometimes eighteen, sometimes twenty, thirty, according to the number of strangers we have had in the inn.

Eighteen, twenty, or thirty what?—Ducats? Florins.

Do you know a place called the Glass-house, near the gate of Carlsruhe? Glashuit.

Mr. Kersten.—Glashuit is a manufactory of glass, where glass is fabricated or made.

Is there not a place that goes by that name, the Glass-house, near the gates of Carlsruhe, that serves as a pleasure-garden? Yes, many people go there.

Have you ever been there? I walked there with my husband for pleasure.

Have you ever been there without your husband, before you had a husband? Yes, with the person who became my husband.

Were you ever there with any body else, or alone? With my husband, and with more servants and maids.

Have you ever been there without your husband, and with any body else, or alone? Never; never with any body else but with my husband.

Were you ever there alone? No, never alone.

Before you had a husband? Never, except with my husband.

Before you knew your husband? I went there with my brothers and sisters, and that was by day, never at night.

About what time in the morning used you to make the beds in the inn at Carlsruhe? Just when the gentleman rose and had come down

Do you mean to say, that you always went into the room as soon as the gentleman went out of the room? Many times I went immediately; many times later.

After you had seen the person that you took for the princess in the evening in Pergami's room, did you not go to see whether the Countess Oldi was in her room? No; I carried immediately the water to No. 5, and there they were standing; at No. 5, the countess lodged.

Did not you go to No. 5, in order to see whether the countess was there? Yes, I went just there.

Did you not go there for the purpose of seeing whether the countess was there? I went, and saw just that it was the princess.

This answer having no relevancy to the question, a noble lord was proceeding to put a fresh interrogatory, when

Mr. Brougham submitted to their lordships, that when a doubt arose as to what the answer was, the proper course was to call on the witness to repeat the answer, and not to put a new question.

The question was then repeated.

Did you not go to the countess's room for the purpose of seeing whether she was there? No, I went to carry the water there.

Mr. Brougham.—In the answer she gave before, such of your lordships as understand German must observe, that she mentioned something about the princess: but now she says not a word relative to her.

The Interpreter.—She repeats half-sentences every time she answers a question, which divides the attention from the main object of her testimony, and renders it difficult to collect it.

Did you not go to the countess's room for the purpose of seeing if she were there? I went and just saw the princess. I just carried the water there.

The Lord-Chancellor.—Interpreter, you will be so good as to observe, that it is not your duty to connect the meaning of what the witness says, but to repeat her exact words.

Mr. Brougham.—And, if she repeats words twice, do you also repeat them.

Did you not go there for the purpose of seeing whether the countess was there? No, I went not there; I just carried the water there.

Will you swear you did not go to that room, upon the oath you have taken, in order to ascertain whether the countess was there? I went

just there to carry the water, because I must do this, as I did it every evening.

Will you swear, by the oath you have taken, that you did not go to that room in part for the purpose of ascertaining whether the Countess Oldi was there? I cannot say this; I did not go for that purpose: I have never thought that I should be asked about this.

Mr. Goltemann.—She says, "I have never had any thought about this: I never thought that I should be asked about it."

Will you swear, upon the oath you have taken, that you have never told any person that you did go to the room of the countess, for the purpose of seeing whether she was there or not? I cannot recollect it; I have no thought about it, whether I have said it to any body.

Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night? I can swear that I never had a conversation with any body about this matter, namely, that I went there for the purpose of ascertaining whether the Countess Oldi was there or not.

Mr. Brougham here complained, that a question was put by the interpreter, which he had not asked; and he contended that it, and the answer, should be struck out.

The Earl of Lauderdale wished to know what the precise question was.

Mr. Brougham said, perhaps it was a matter that did not signify one rush to their lordships, or to the merits of the case; but he contended, where a question was put in terms different from those he had stated, it ought to be struck out. (Cries of "Let the question be read again.")

The Lord-Chancellor.—Let the question be understood. Read it again, and let the answer be given.

A Peer.—The question has been completely answered.

The short-hand writer read the question.—"Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night?" Which being translated by the Interpreter, the witness answered—"Nobody has asked me—nobody has told me any thing, except a strange gentleman, who asked me whether I was in that room. I told it to that gentleman whom I waited on, when he asked me."

The answer in the minutes is—

Nobody has asked me, nobody told me any thing; there was a gentleman asked me whether I had been in the room; I told it to the gentleman who had asked me.

Will you swear that you have never, since you came to this country, had a conversation with any body about your going to Madame Oldi's room? No, I have had no conversation with any body; has any body asked me.

Mr. Goltemann.—She says, "How do you mean, whether any body has asked me.

Has any body asked you? Yes, two gentlemen have asked me.

Have you had any conversation with any other person, besides those two gentlemen, about what passed that night? In Hanover they have asked me, and at Frankfort; I cannot tell it otherwise.

Who asked you at Hanover? An ambassador, who he is I do not know, he asked me.

And at Frankfort, who asked you? I do not know who he was, it was a gentleman.

How long have you ever been at Frankfort at one time? Five or six days.

Were you ever at Frankfort at any other time? No, never, except just when we went to Hanover, then we passed through Frankfort.

Whom have you spoken to upon this subject since you came to this country? Two gentlemen have come to see me, but who they are I do not know, I cannot tell.

Have you ever spoken upon this subject with any other person in this country, besides those two gentlemen? No.

Do you know a Captain Jones, or a Major Jones, in this country? No, I know nobody of that name.

Did those two gentlemen that you talked to, speak German? As much as you *(the Interpreter)* * did here, one of them †.

What was his name? I do not know.

Was he a German, or an Englishman? I do not know, he spoke German; but whether he was a German I do not know.

Besides the house where you now are living, have you ever been in any other house since you came to London? No, I have been no where else, except here in this house.

When were you first in this house, what was the first day you were in this house? On Friday, last week.

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* Sic in orig.

† In our notes—"As much as I could judge, one of them did

Had you ever been here before that? No.

When you say you never were in any other house in this country, except where you live, do you mean that you never lodged in any other house, or that you never were in any other house at all? When we arrived we went into an hotel, only for a few hours, and then into the house where I lodge.

Have you ever been for any other space of time, however short, into any other house except those two? No, no where else.

How many servants were there in the inn at Carlsruhe, where you lived? There were two waiters, and the post boys, and a groom.

Was there any other chambermaid besides yourself? I was the only one.

How many maids came with the princess? I have seen no more than two and the countess.

Mr. Brougham stated, that he had no more questions to put to the witness.

The Attorney-general stated, that he had no questions to put on re-examination.

EXAMINED BY THE LORDS.

When the courier came forward, and ordered a broader bed, did he give any reason for ordering that broader bed?

Mr. Brougham requested leave to submit, through the house, that what the courier said could not be received as evidence.

The question was withdrawn.

Earl of Mansfield.—When you made the bed in the morning, and observed the stain, had the bed the appearance that two persons had slept in it? No, the cushions or pillows lay one upon the other, so far I recollect.

Earl of Limerick.—The witness, in the former part of her evidence, used the words "they left together;" I wish to know what she meant by the word "they?" That when I made the bed, there was nobody in the room.

I again ask what did she mean by the word "they" (*sic*)?

The interpreter endeavoured, without effect, to make the witness comprehend the question; but her answer still was "I mean that nobody was present when I made the bed."

Lord Hood.—Had you any conversation with any person respecting your observation relative to her royal highness and Bergami, particu-

* In our notes "attempted."

larly with reference to what you saw when you observed Bergami in bed, and that the princess jumped up? I never have made any observation to any body.

Witness has stated herself to have been frightened when the princess jumped up? (No, no.)—She has stated that the princess jumped up, and she was frightened? (No, no.) I beg your pardon, my lords, such is her evidence. She has deposed that the princess jumped up; and that she, the witness, was frightened. Now I want to know, whether, on the moment she experienced this fright, when the princess jumped up, she communicated with any body respecting that event? I spoke to nobody about it, except Mons. de Grimm, who asked me about it.

How could Monsieur (I don't know what his name is) know any thing about the matter, unless you first communicated something relative to it?

(Murmurs, indicative of a disapproval of the question). I say, my lords, he could not have known any thing about the matter, if some communication had not been made to him. The question was not answered.

How long after the princess left the inn were those questions asked you? As soon as they went away, then I made the room ready. Monsieur de Grimm soon after came to the inn, and asked me the questions.

Asked you what? He asked me, in the room, about this matter, and then I was unwilling to say any thing, But he asked me again, and I told him.

I want to know what the witness was asked? He asked me, have you never seen any thing?

Earl of Lauderdale.—Does the witness recollect who was in the room when she took the princess her breakfast? They were all in the room; the gentlemen and the ladies.

Can she state what gentlemen, and what ladies? The countess, and the gentlemen who were with her.

The witness has said, that, in the course of her duty, she carried water to the chamber, No. 12; I wish to know whether, the next night after seeing the princess there, she carried water in the usual way to No. 12? No; it was then shut, and I placed the water before the door of the room.

Mr. Goltemann.—She adds to that, "when the room was not open, I have placed it before the door."

After the night in which you saw the princess in that room, did you generally find the door shut or open when you carried water? It was shut.

Was it generally shut? Yes, many times it was shut, many times it was open.

Do you mean by the door being shut that it was merely closed, or that it was actually locked? I intended * several times to go in, but it was locked, and I could not go in.

Whose room was No. 10? The princess's.

Did you carry water to that room? No, the maids took care of that.

The following questions were put by the Lord-Chancellor, at the request of Mr. Brougham:

About what time of the day was it that you generally took the water to the room and found it locked? Never by day, only in the evening; except when they asked for it in the morning, then I carried it.

Do you mean to say that you found the door locked twice, or often? I did not observe it so exactly; twice or several times.

Was the door merely closed or actually locked? "I attempted several times to go in, but it was locked."

Mr. Brougham hoped he should be permitted to put the question, since there was a doubt whether the witness did not use a word equivalent to the word "twice." If it were necessary, he would state his reasons for putting the question. Some individuals thought the witness had said "two times," others "several times." Their lordships, of course, did not mean to catch at any thing that occurred inadvertently; and, as the word, he believed, was capable of the two interpretations, he trusted the question would be answered. He believed that the answer was correctly taken down by the short-hand writer; but even admitting this, their lordships could surely have no objection to putting the question in the way he had stated. *(Go on, go on.)*

Do you mean to say that you have found the room locked twice, or several times? How often? I did not take notice so exactly as to say twice, or several times.

Th witness was directed to withdraw.

Then GIUSEPPE BIANCHE was called in, and sworn through the interpretation of the Marchese di Spineto.

Mr. Denman objected to the evidence being given through

* In our notes "attempted."

the interpretation of the Marchese di Spineto, not on the ground that he had not interpreted truly, but that he was informed he had seen the witness before, and had interpreted the examination taken out of court by the attorney on the part of the prosecution; he conceived, therefore, that the rehearsal of the evidence which had taken place before, might in some degree affect the mode in which the evidence might be given now.

Counsel were directed to proceed with the examination.

Examined by Mr. Parke through the interpretation of the Marchese di Spineto.

What countryman are you? I am an Italian Swiss, that part of Switzerland that belongs to the kingdom of Italy.

Of what part of Italy are you a native? In the department of Tessin and in the town of Faido.

Where do you reside? In Venice.

What is your employment when you are at home? The guard or the door-keeper of the inn Gran Brettagna.

How long have you been in that employment? Fourteen years.

Do you remember at any time seeing the Princess of Wales at Venice? I have seen her twice.

When was the first time that you saw her royal highness, in what year? About five years ago.

Was she at the inn the Gran Brettagna? She was there for three days, and then she passed to a house adjoining.

What persons were with the princess at that time? She had a chamberlain, a second chamberlain *, three couriers, and I think two more domestics.

Do you remember who were the couriers? One was the Brunswick courier, another was Bartolomeo Pergami, and the third was Theodore Majocchi.

When the princess was at the other house, had you occasion to go there sometimes? I had, every day.

What was your employment, for what purpose did you go there? Because it always happened that I should carry something.

Do you recollect a jeweller being in that house one day? I do.

Did the princess purchase any thing from him? She bought a Venetian chain; a chain made in Venice, which is called a manina of gold.

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* In our notes "a chambermaid, a second chambermaid," &c.

J. PARKE ESQ^R.

Sketched by A. Wivell & *Engraved by* T. Wright.

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Was that during dinner-time, or before or after dinner? The jeweller came at the end of the dinner, when all the company were going to get up from dinner.

Did you see Pergami in the room at that time? He was always behind the chair of her royal highness to change her plate, in the dress of a courier.

Did you see the princess and Pergami together, after the rest of the company had left the room on that day? I did.

What passed between them when you saw them together? She, after having got up, took the chain from her own neck, and put it round the neck of the courier; the courier afterwards took it off from his own neck, and put it round her neck; and then he took her by the hand, and accompanied her into the room* where they went to drink coffee.

Did they go out of the room together? Yes, together; but Pergami afterwards left the room to go to dinner.

Did you observe any thing more pass between them than what you have mentioned? I did not.

After the chain had been put the second time upon the princess's neck, did they go immediately, or did they stop a little longer in the room? They went immediately away.

Did you see Pergami at Venice the second time the princess was there? The second time I did, when she came to Venice from Trieste, three or four days, and lodged there.

Had Pergami any decorations, any orders, the second time you saw him at Venice? He had a string of orders jewelled or ornamented with jewels.

Had he any title? I heard him called by all Baron Pergami.

When you saw the princess and Pergami go out of the room the first time they were at Venice, in what manner did they go out, or in what manner did they conduct themselves towards each other before they went out? He took her by the hand, squeezed her hand, and went to the door; she went in, and he went to dinner.

Did you see the princess and Pergami together the second time they were at Venice? I have seen them come in and go out every day.

How many days did you see them? Four days.

Did you see them on the canals at Venice? They went twice a day on the canal.

Were they alone in the boat, or were other persons with them? There was always somebody with them, except twice, when they went out alone.

When you saw them going out of the house, were they walking toge-

* In our notes—" to the saloon."

ther, or were they separate from each other? They were always arm in arm; then he also gave her his hand to step into the gondola*.

Mr. Cohen.—He adds the words, "as I did."

What do you mean by those last words, "as I did?"

Through the Marchese di Spineto.– I do not understand the question.

When you saw them going out of the house together, were they walking together, or were they separate from each other? They were always arm in arm.

Did you ever give your arm to the princess, as well as Pergami? Never the arm, but I took her by the hand to assist her in going into the gondola.

CROSS-EXAMINED BY MR. DENMAN.

Did you see that done with the golden chain through the key-hole? I was in the same room where they dined.

Then the princess and Pergami must have seen you standing by? I was there.

Have you been to Milan to be examined to these facts? I have been.

When did you first go there? I left Venice on Christmas-eve †.

Was that the first time you went to Milan to tell the story? That was the first time.

What money or compensation had you for going from Venice to Milan upon that occasion? I received nothing else but my expenses on the journey.

Did you receive a sum of money, or did some person pay for you? A commissary came to take me from Venice, and he paid the expenses of the journey.

Had you nothing for your loss of time? Nothing.

What are you to have for coming here? To come here I have received nothing else but my travelling expenses.

What bargain have you made; what pay are you to have for coming here? None.

Do you mean to swear that you are to receive nothing as a compensation for your loss of time in coming here, and in staying here? They have told me that I am to receive nothing except to come to London to tell the truth, and this summons I have obeyed ‡.

What are you to be paid for telling the truth? I have made no agreement nor condition; if they give me something, I will take it; if not, I will go without. *(Laughter.)*

Do you expect nothing? I expect nothing; for this reason § I have brought money with me to go back, if they let me.

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* We have the addition,—"as I think."

† We have it—"on Christmas-day."

‡ In our notes—"and this I have done."

§ Our version is—"I have brought money with me to take me back, if necessary."

Who sent you here; who induced you to come here? Colonel Brown from* Milan.

Did you see the advocate Vimercati? I have seen Vimercati the first time, but not the second.

Did you say nothing to either of those persons about a compensation for your loss of time in coming to England, and staying there? I have said nothing of that, except that at Milan, whilst they were speaking about several things, I said that I would not come any more, because I was afraid.

Are those two the only persons whom you have seen upon the subject of your coming over here? And a certain Andreatzi, who is the same commissary who came to Venice to fetch me.

How long have you been in this country? Just a fortnight to-day.

Are you now a waiter or a porter at the inn at Venice? If I return back quickly; if not, I shall not continue in that service.

Supposing you do not return quickly, but lose your place, do you not expect to have it made good to you in money? I expect nothing, because I know nothing; and what displeases me is, that I shall be obliged to go and beg for another master.

Do you wish to persuade their lordships you have made no bargain whatever, and that you do not expect to receive any compensation for that which you must in that case lose? I have come here to tell the truth without any pay, and what am I to expect?

Did anybody tell you lately to give that answer here? Nobody, I have never spoken of this business with anybody.

Whom have you lived with in this country? In company with twenty or twenty-five more.

Was Theodore Majocchi one of them? He is.

Will you swear you have had no conversation with that man about the evidence you were to give here? Yes, I can swear †.

Did you not remind Majocchi that you were the person who was there when the princess came there? The first time he saw me, because we were together; but the second time he remained behind to pay attention to the coaches.

Have you not reminded Majocchi, that you knew one another at Venice, when the princess first came there? Yes, I ‡ told him so, because we went to drink together some afternoon.

Have you breakfasted every day with Majocchi for the last fortnight? Yes, we breakfasted and dined all together.

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* Ours—"at Milan."

† We have it—"Yes, I have"

‡ Our notes have it—"he told me so."

Do you sup together? Those who want to sup, sup; those who do not want to sup, do not sup; whoever is present takes a supper, if he has an appetite.

Did you pass the whole day together? Not the whole day, because Majocchi is with his wife, and sometimes he comes out, and we walk together.

Do you remember the name of the jeweller whom * you saw bring this golden chain? Yes, Fana.

Is he one of those five-and-twenty people who dine together? No, he is a merchant who is at Venice always.

Where does he live at Venice? He has a shop in the Old Procurasia, in the Piazza St. Marco.

Had the jeweller left the room when the princess and Pergami remained together? He had gone away some little time.

Had all the company left the room? They had.

How long had they left? They had just gone before; three or four minutes.

Was the door shut after them? It was.

How came you left behind, shut up with those two persons? As people went out of the dining-room, they shut the door to prevent the wind; but I was with the servants, to take away the things from the table.

What had become of the other servants? There was only one of the waiters within, in the other room, to get the coffee ready.

Do you mean the princess's servants, or the other waiters at the inn? He belonged to the inn.

Who sent you here? how came you here in England? Colonel Brown.

What power had colonel Brown to send you here? He has sent his commissary Andreatzi to Venice, to tell us that we must go to Milan, to pass over to England.

What power had the Commissary Andreatzi, to send you away from your place to England? This I do not know, because he said that if we would not come willingly, we should be made by force.

Has Andreatzi any office at Venice? None, he also is a Swiss of Bellenzona, in the Canton of Tessin.

How does that give him any power to send you to England? He has no authority but he told me if we came willingly it would be better, if not, we should one day be made by force to come; and I rather preferred to come willingly, than by force.

What do you mean by its "being better?" I mean that it is better to come, than to be accompanied by force.

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* On our notes it is—"who, you say."

Did you see any ambassador at Venice? No other but the English consul.

Who is that? Mr. Hopner.

Did Mr. Hopner desire you to come? I never spoke of this business with him.

Nor to any secretary or servant in his employ? On the contrary, I wished to call upon him and speak to him, but he was in the country.

RE-EXAMINED BY MR. PARKE.

Did you see Majocchi at any time, between the time that you saw him at Venice, and when you saw him again in England?

Mr. Denman objected to the question, as not arising out of his cross-examination.

Mr. Parke said, it would be followed by another that arose immediately out of the cross-examination.

Where had you the conversation you spoke of with Majocchi? What conversation?

Where you reminded him of having met him at Venice? It was walking down below.

Was that since you came to England? Yes.

The witness was here ordered to withdraw, as the peers had no question to put to him.

The Earl of Liverpool then moved the adjournment, as it only wanted a few minutes to five o'clock.

TWELFTH DAY, WEDNESDAY, AUGUST 30.

PRAYERS were read by the Bishop of Winchester, and the house was called over at the usual hour, after which the examination of witnesses commenced.

Then *Paolo Raggazoni* was called in, and sworn, and examined by the Solicitor-general, through the interpretation of the Marchese di Spineto.

Are you a native of Italy? I am.

In what part of Italy do you reside? At Biango.

Is that in the territory of Varese? It is.

What are you by business? A mason.

Were you ever employed as a mason at the Villa d'Este? I was.

Had you any persons employed under you, or were you a mere workman? I was a master mason.

How many men had you employed under you? Twenty, twenty-five, thirty, &c., according to the work.

During any part of the time you were employed at the Villa d'Este, were the Princess of Wales and Pergami residing there? No; when I went to the Villa d'Este they were at Bordo Vico.

Was that at the Villa Villani? Yes.

Did they afterwards come to the Villa d'Este while you were working there? They came.

Did you ever see the princess and Pergami upon the lake at the Villa d'Este? I have seen them.

Was there any canoe there? There was.

Did you ever see them together in that canoe? I have.

Alone, or with other people? Alone.

Once, or more than once, or several times? More than once, more than twice.

Did you ever see them together in the garden? I have.

Have you ever seen them alone in the garden? Alone.

Once, or more than once, or several times? I have seen them more than once; but once I have seen the princess sitting in a chair with wheels or castors, and the baron behind pushing her to make her go.

After you had seen, in the manner you have described, the princess in the chair and the baron pushing or pulling that chair, did you afterwards see anybody else in that chair? I have not; I have only seen them alone.

At the time when you saw the baron pushing the chair in the manner you have described, was there anybody else with them, or were they, the baron and the princess, alone? The baron and the princess were alone.

Did you see the baron get into the chair? I did; the baron and the princess made the chair get forward.

You have stated that at the time when the princess was in the chair, the baron pushed or drew the chair; at the time when you saw the baron in the chair, who pushed or drew the chair? The princess pushed the chair.

Are you to be understood that they were at that time alone? Alone, yes; Verona came and brought the chair and went away, and then the princess and the baron remained alone.

Have you at different times seen the princess and Pergami walking in the garden? I have seen them several times walking in the garden.

Have you seen them alone walking in the garden? Yes, alone.

In what manner have you observed them walking, were they separate or together? Arm in arm, walking.

Have you seen that frequently, or only seldom? More than once, more than three times, I have seen it.

Do you recollect, at any time, being at work in a grotto in the garden? I do.

What work were you doing in that grotto? I was making a cornice to a round room.

Was there a room adjoining to that? Behind there was.

While you were at work, in the manner you have described, did you hear any body in that adjoining room? Yes, I heard somebody enter.

After you had heard somebody enter in the manner you have described, what did you hear? I heard somebody come in, and I put myself under the scaffold to see who it was, and I saw Pergami and the princess come; there were two figures, the figure of Adam on the right and the figure of Eve on the left, and Adam had the leaf of a fig below the navel, then they looked at those figures of Adam and Eve, and they laughed together.

You have told us that Adam had a fig-leaf, was there any fig-leaf to Eve? Yes.

Can you state how they were fastened on? They were fastened with a little bough; they put the leaf aside and looked at what was underneath; by "ramino," I mean a wire that went all round the figure; and that the princess and Pergami put aside this fig-leaf to see what was underneath.

Where were you yourself during the whole of that time? I was behind a pilaster to look what they were doing; and when I saw that they were coming towards me, then I mounted on my scaffold, and worked at my cornice.

Are you to be understood that those two figures were in the room next to that in which you were at work? They were behind the room where I was at work, by ten or twelve yards.

What kind of communication was there between the place where you were at work and the place where those two figures of Adam and Eve were standing? Here was the room of Adam and Eve, then followed a small corridor at the bottom; there were two doors, one to the right and another to the left, and in the middle there was a pilaster; and I placed myself behind the pilaster to look; and behind there was the round room where I was at work.

Did you place yourself there in consequence of your hearing somebody in the room where the figures were? I did.

When they removed the leaf in the manner you have described, what

did they do? They talked together, and looked sometimes at one sometimes at another, between themselves, laughing.

Do you remember an entertainment that was given at the villa d'Este on St. Bartholomew's day? I do.

At what hour of the night or the morning did you go home to go to bed to a place called Il Paese? Sometimes I went to bed at one o'clock, sometimes at half-past one.

The question refers to the night on which this entertainment was given; do you remember going through the garden for the purpose of going to a place called Il Paese? Yes, I remember one evening I was going to Le Paese to sleep.

Is that place you have mentioned part of the Villa d'Este? Yes, it is; immediately after the Villa d'Este there is a garden, after which there is a park, at the end of which there is Le Paese, and there is wood on both sides.

Do you know a person called Dominico Brusa? I do, we have been together.

Do you know one Enrico Bai? I do not.

Upon the night which has been mentioned, when you were going to the place you have described, who was with you? Dominico Brusa.

As nearly as you can recollect, what hour was it you passed through the garden of the Villa d'Este with Dominico Brusa? About one or half-past one.

Interpreter.—The Italian and the English time is reckoned in a different manner.

Do you reckon by the Italian or the French hour? The Italian hour.

Interpreter.—We reckon the hour, not from twelve to twelve*, but from one to twenty-four; the sun, according to the Italian mode of calculation, always sets at half an hour past the three-and-twenty, the remaining half hour is generally allowed for twilight, and that completes the twenty-four hours.

Mr. Solicitor-general.—Will you translate into English time the time?

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* The subjoined table and remarks on the mode of calculating time in Italy, will elucidate this and other parts of the evidence that relate to hours:—

"At Parma and Turin they calculate the time the same as in the rest of Europe. In other parts of Italy they reckon from sun-set; and the annexed table, calculated for five principal latitudes, shews the hour as

Interpreter.—Then I must know the time of year: taking it at Bartholomew's day, it would be about half-past nine at night, according to the English mode of calculating.

To the Witness.—When you were passing through the garden did you see the princess and Pergami? They were not in the garden, they were at the bottom of the park, sitting upon a bench.

Were they alone? They were alone.

Did you ever attend at the theatre at the villa d'Este? I have been there.

Did you ever see the princess and Pergami act together upon that theatre? I have.

Have you seen that more than once? Only once.

Do you recollect what part was played by the princess? The princess was performing the character of a sick woman, and the baron went to visit her.

In what character did the baron go to visit her? He went to feel her hand, and to perform the part of a doctor.

The Solicitor-general stated, that there was some doubt, whether in Lombardy they calculated by the Italian method, and that it was very désirable to know, whether the hour to which the witness referred was half-past nine or half-past one; he therefore requested permission to put a question upon that point.

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indicated by the clocks of Italy, when it is twelve (noon) amongst us. The table is formed upon the principle that in Italy they suppose that the twenty-four hours, of which the day is composed, are completed exactly thirty minutes after the apparent immersion of the disk of the sun.

A Table of Noon, according to Italian Hours.

Latitudes.	45° 44′ Milan, Venice.	44° 25′ Genoa.	43° 46′ Florence.	41° 54′ Rome.	40° 50′ Naples.
	H. M.	H. M.	H. M.	H. M.	H. M.
January 1	19 9	19	19 2	18 57	18 53
February 1	18 40	18 37	18 36	18 32	18 28
March 1	17 58	17 57	17 57	17 55	17 53
April 1	17 9	17 10	17 10	17 11	17 11
May 1	16 24	16 26	16 27	16 31	16 23
June 1	15 49	15 53	15 56	16 1	16 5
July 1	15 43	15 47	15 50	15 57	16 0
August 1	16 9	16 12	16 13	16 19	16 22
September 1	16 32	16 54	16 54	16 57	16 59
October 1	17 39	17 39	17 39	17 39	17 59
November 1	18 27	18 25	18 24	18 20	18 19
December 1	19 1	18 58	18 57	18 51	18 48

Mr. Brougham said, that the witness had already given a decided answer to that point. He had been asked, whether he meant Italian or French time, and he had distinctly answered *Italiano.*

When you say it was about one or half-past one that you saw Pergami and the Princess sitting in the manner you have described, according to the best of your recollection, how long was it after sun-set? The sun had been setting for an hour and a half.

Mr. Cohen.—My lords, I was born in Lombardy myself, and I know this is the mode of reckoning.

The Solicitor-general stated, that these were all the questions he had to ask the witness at present.

CROSS-EXAMINED BY DR. LUSHINGTON.

Have you ever been examined before? No; I have been examined at Milan.

When was that? In the year 1818.

By whom? The advocate Vimercati.

Was any one else present? There was.

Who? I do not know.

Do you know Colonel Brown? I do not.

How came you to go to Milan to be examined? The government sent for me to go to Milan to be examined, and I went.

What government? The government of Milan sent for me that I should appear before the police.

Did they send an officer of justice to you, or how? They sent Rastelli, a courier.

Who is Rastelli? A courier.

Had you known Rastelli before? I had.

Where? At the Villa d'Este.

Did he formerly live with the Princess of Wales? He did.

Was he in her service as a courier? Yes; he was chief groom or courier, he belonged to the stable.

What passed between you and Rastelli when he came to you? He told me that I must go to Milan by an order of government.

Was that all he told you? He told me that I must go to Milan, because the government wanted me; I said I could not go, and he answered that I must go, because government wanted me.

Was that the whole; did he say nothing else to you? No.

How long was he with you? A little.

How long, as nearly as you can recollect? He came once to ask me.

How long, as nearly as you can recollect, was he with you? No time at all; he came to tell me, that I was obliged to go to Milan, and then went away immediately in a chaise.

Did he tell you what you were to go to Milan for. He did not, he told me nothing.

When you went to Milan, for what purpose did you go? I went to tell the truth, because he told me, you must go because you have been living with the princess at Como, and therefore you must go, and tell what you know.

Then he did tell you you were to be examined respecting the Princess of Wales? Yes; he told me nothing to say, but merely, you have been there at work, and therefore the government want to see you, and you must go to be spoken to by the government.

Had you ever before that time spoken to any body respecting the circumstances you have now stated? No, I can swear this, that never any body came for this purpose.

Had you ever before that time, spoken to any body respecting the circumstances you have now stated? No.

How many workmen have you employed at the Villa d'Este? Ten, twelve, fourteen; when the baron told me, "I want more masons," I sent for more, and I had eighteen or twenty; when he was not so pressing I sent them away.

Were all those persons sent to Milan to be examined? No, not one of them.

When you were examined at Milan, was what you said taken down in writing? It was taken in writing.

Did you sign it? I did.

Were you sworn? Yes, I took an oath at Milan.

Who swore you? The advocate Vimercati.

In what form? He told me, "Are you ready to swear upon the truth," and I said, "Yes, the truth."

Were you sworn upon the gospels, or in what manner? He told me, you are then ready to come and swear to the truth; I said, yes, I am ready to come and swear to the truth.

Were you sworn upon the cross at that time? Yes, I took the oath upon the cross; I took the cross which I carry about me, and I kissed it myself before Vimercati.

Who was present besides Vimercati at that time? There were two or four more people who were present, but I do not know who they were; I have given my examination, but I do not know who they were.

Were they Englishmen? I believe that they were Englishmen.

Have you ever since that time seen the deposition you signed? Yes, I signed my name, I gave it in, and then I went away.

Have you ever seen the deposition you signed since that time that you signed it? No, I have not seen it since.

Have you been ever examined since that time? No.

Has no one spoken to you about the evidence you were to give since you have been in England? No.

What did you receive for going to Milan to be examined? I have received nothing, not even this, which means not even a pin, not even a drop of water, I took my horse, I mounted my horse, and I went.

Were you then told that you were to be sent to England? Yes, they told me that they were going to send me to England.

When was that? Now, when the government sent for me.

When you were examined at Milan, did they then tell you you were to be sent to England? No, they told me that I should be obliged to go and swear before a tribunal.

What did you say in answer to that? I said yes, I was ready whenever they ordered, because I was going to tell the truth.

Are all the bills paid for the work you did at the Villa d'Este? They have not been all paid, but there is a little still owing to me from the chief mason.

Is any thing owing to you from the Princess of Wales? No, nothing.

From whom did you receive the money for your bills for the princess's work? The chief mason, the head mason paid me, gave me money. I was working, and then whenever I wanted money the chief mason gave it to me; I had nothing to do with the princess.

Who first directed you to come to England? The government, who told me to come to England, for I did not wish to come, for I am a married man, and my wife is with child, and I have an old father, and I did not wish to come, and the government told me I must come, and it would be a business of a month or six weeks.

Did you come by yourself, or with any one else? We have been together, but I know no one, for I am alone.

Did you come with a courier? I did, from Milan.

What was the name of the courier? Restelli.

Do you not know the names of any of the other persons who came with you? No, they attended to their business, and I attended to mine, because I did not wish to come, and was even crying.

Do not you know the names of any one of those persons that you travelled with? I know the names only of three, Brusa, Bianchi, and Enrico Bai.

Have you continued to live with them since you have been in England? I have.

Where. I do not know, it is a place just by; I do not know what it is, for I never have been in this place before; if I knew the place I would tell you.

Is it close by? It is near.

Was Brusa with you yesterday? No.

From the time that you signed your deposition at Milan, have you had any conversation as to these facts, till to-day, with any person whatever? I have been speaking with nobody.

You have never spoken with any one, except at Milan, from the time the circumstances you have stated took place? I never said any thing to any person; I never have opened my mouth with any person, and as I never have appeared before in a tribunal of justice, I said to the curate of my country, that I did not wish to come, and he told me that I might go.

Have you been employed by the Princess of Wales to make a monument? No, I was told by the architect Ratta to come and work at the princess's; so I went and worked there for two years.

How many times have you seen Rastelli since the year 1816? Never; I never have seen him since he came to speak to me.

Is Enrico Bai, whom you have mentioned, also in the neighbourhood? He is here.

The witness was ordered to withdraw, but he had been hardly taken from the bar when the Attorney-general intimated a wish to have him called back. He was accordingly replaced at the bar, and re-examined by the Solicitor-general.

Who brought you from Milan to Holland? Rastelli.

Look at this gentleman near me, and say whether you did not speak to him about your depositions?

[The Solicitor-general here pointed at a gentleman within the railing where he stood.]

Mr. Brougham objected to this question. The witness had already stated that he had not opened his mouth to any body about his depositions since he made them at Milan: and it seemed to be the object of his learned friend now to present some gentleman to the witness with a view of having the previous statement of that witness altered.

The Solicitor-general insisted that it was quite competent for him to have any answer of the witness corrected, if it admitted of correction, out of his own mouth.

Mr. Gurney, the shorthand-writer, was called upon to examine his notes of the part of the evidence referred to; but he had sent his notes of the witness's evidence away when the witness was ordered to withdraw from the bar.

The Solicitor-general stated this fact to their lordships, and that, as the notes were sent to Essex-street, some delay would be necessary to get them back. He was about to repeat his question to the witness, whether he had seen the gentleman near him before, or talked with any body respecting his evidence since the depositions at Milan,—when

Mr. Brougham again interposed, and said, it was quite irregular for a counsel to set up his own witness to contradict himself. He has already said, in the most unequivocal terms, that he never opened his mouth to any body about his evidence since he made the deposition at Milan; and he is now called back by his own counsel evidently for the purpose of contradicting that statement, and giving a different account of the matter.

The Lord-Chancellor said, that it was the unanimous opinion of the learned judges near him, in concurrence with his own, that it was competent for the learned counsel to have the previous answer given by the witness read, and the witness asked whether that was the answer he meant to have given, and whether he had any explanations to add to it? "Let," said his lordship, "the former answer of the witness be read, and then we can settle the point respecting a new question, when it is put to the witness."

The Solicitor-general remarked, that the answer could not be put until the notes of the shorthand-writer were brought back; and it was suggested, by the Earl of Liverpool and the Earl of Lauderdale, that the witness could in the interim stand by, and another witness be called.

Then *Gerolamo Mejani* was called in, and sworn, and examined as follows by Mr. Parke, through the interpretation of the Marchese di Spineto:—

Are you a native of Italy? I am.

Of what profession are you? A writer.

Were you at any time in the service of the Princess of Wales? I was.

For what length of time? About two months.

Was that at the Villa d'Este? At the Villa d'Este.

In what capacity were you employed by the Princess of Wales? As a director or superintendent of her gardens.

In what year was it you commenced your employment? At the end of the year 1816 and in the beginning of the year 1817.

Do you know a person of the name of Pergami? I do.

Did you know Pergami before he was in the service of the princess? I did, at Monza.

In what circumstances was he when you knew him? He was an excise officer, that is to say, he belonged to an excise office, and went to put the excise mark upon the casks of wine under the order of the officer.

In what circumstances was he as to money? When I have known him he was a poor man.

How long was that before you saw Pergami in the princess's service? I have seen Pergami in the service of the princess at the Villa d'Este, but I do not know at what time he went into her service.

How long is it that you knew him in the employment you have stated before you saw him in the princess's service? I had known him between two and three years, but I am not precise as to the length of time.

When you were at the Villa d'Este, had you opportunities of seeing the princess and Pergami together? I had.

Did you see them often together? Often, every day I saw them.

What was their conduct towards each other when you have seen them? They behaved towards each other with the utmost friendship, as if they were married.

When they were walking together, did they walk separate from each other or arm in arm? Arm in arm.

Did you ever see them together in a canoe? Yes, I have seen them several times, at different times.

Were they alone in the canoe or was some person with them? Alone, he and her royal highness together.

Did you ever see them together riding in a carriage? I have.

Did you ever see them together in a carriage called a padovanello? I have.

Describe in what manner they sat in the padovanello? Pergami was sitting in the back part, and the princess on his knee.

Was any body else in the carriage? No one else.

Did you ever see Pergami and the princess in the kitchen together? Several times.

What were they doing in the kitchen? They were eating on the table there, where the cook was used to eat.

When you saw them, were they eating from one plate or two? Sometimes from one plate, sometimes from two.

Do you know the gate leading from the little garden into the great garden? I do.

Do you remember seeing the princess and Pergami together near that gate? Yes.

How far were you off from them when you saw them together? Twenty or thirty paces, I have not reckoned them.

Did you observe them do any thing to each other? I have seen them once kiss.

Was that on the mouth? I was behind, and I have not made this observation.

Was that on the mouth? They made a motion *(imitating it)*: whether they kissed on the mouth or not I do not know.

Was it on the mouth or the cheek? I was behind, and I have not been able to see whether he kissed her on the mouth or on the cheek.

Have you heard the princess and Pergami conversing together, talking to each other? Yes; I have seen them several times, they always were talking to one another.

In what way did they talk to each other? They sometimes spoke French, which I could not understand, except that once I heard a word, which was "*mon cœur*," (my heart).

CROSS-EXAMINED BY MR. TINDAL.

When were you first applied to upon this subject? I want to know whether its meant when I was examined or spoken to; but at Milan I was spoken to.

When did any person first apply to you before you went to Milan? They sent me a person whom I do not know, he told me that they wanted me at Milan upon this subject, but I do not know the person.

When was that? In the month of February, in the year 1818, eighteen months ago; February or January, I do not know exactly which.

Had you mentioned to any body before that what you knew upon the subject? Nothing; I did no longer think of it.

Where were you living at the time that person applied to you? At Monza.

How far is that from Milan? Ten miles.

What situation in life were you in at that time? A writer.

What do you mean by a writer? I kept account books.

Whom did you keep accounts for? For all the affairs belonging to the park, for the Prince Beauharnois, the Viceroy of Italy.

Did the person who applied to you, come more than once? Once only.

Did you go immediately to Milan? No, because I had something to write and to do, and I made him wait a day.

Did he tell you what you were to do when you got to Milan? Nothing; he only told me that the advocate Vimercati wanted to speak to me, nothing else.

Had not you the curiosity to ask what it was about? I asked, but he would not tell me.

Why did you go then, not knowing any thing about the matter? He told me when I was at Milan, for then I asked him for what motive, and he told me for this, and this.

Then you went to Milan without knowing what you were going for? They had told me, that the advocate Vimercati wanted to speak to me, but they did not tell me the motive till I reached Milan.

Did you know Vimercati before? I have heard his name mentioned, for he was a friend to a friend of mine, advocate Marochi; but I never had known him.

Whom did you see when you got to Milan? Nobody.

What persons did you see or go before on the subject, when you got to Milan? When I reached Milan they told me the hour at which I ought to call at the house of Vimercati; there was this Vimercati, two or three other persons whom I did not know, and two other Milanese, whom I did not know.

Were those two or three persons whom you did not know English? They told me they were Englishmen, but I did not know them.

Did you hear the names of them? No, then I did not; afterwards I heard their names.

Was the name of one of them Colonel Brown? I heard it afterwards, but then I did not know him.

Was the name of one of the others Mr. Powell? I never heard of him but after five or six months, but at that time I did not know him.

Do you now know that one of the persons you saw there was Mr. Powell? I have known him here.

How long did you remain at Milan? Two days.

Was that the only time you went there upon this business? The only one.

Were you examined on each of those days, or only on one? On the last day they examined me.

Was your examination taken down in writing? Yes; they made me even sign it.

Did you also swear to it? They had made me to swear to come before any tribunal, and if I had known any such thing I should not have signed it.

Did you take that oath upon the cross? No; they only told me that here we must come and tell the truth, and that we must say the truth, neither more nor less, only what I have seen with my eyes, without lies.

What did you receive for your journey to Milan, and staying there two days? They paid my expenses and gave me twenty francs, and I was obliged to add a franc of my own out of my own pocket.

When did you leave Italy for the purpose of coming here? On the 29th of June.

Who came with you? We were twelve; the names of them all I do not know; I know them by sight.

Was Theodore Majocchi one of them? No; his wife alone.

Do you mean that the wife came with you, or with Theodore Majocchi? Yes, the wife came with us.

Who first told you that you were to come to England? A certain Rastelli came to tell me so.

Who is Rastelli? Rastelli was a man in the service of the princess.

Was he in the service of the princess when he came to you? No, he was no longer in her service.

Do you know in whose service he was at that time? I do not know.

Do you know why Rastelli quitted the princess's service? I know nothing of that.

Did you know him while he was in her service? I have known him in the service of the princess, and I have also known him before, when I was at court.

Recollect yourself; do you not know that he was dismissed from the princess's service for stealing corn?

Mr. Parke objected to the question; he apprehended the fact could not be assumed, and the question thus put. The question was repeated by the interpreter.

I know nothing of this.

Who spoke to you to come to England besides Rastelli? Colonel Brown.

Did Rastelli take you to Colonel Brown? Rastelli came to tell me so on the 15th of June, but on the 27th a letter came, which obliged me to go to Milan.

What agreement did Rastelli or any other person make with you for your coming here?

Mr. Parke objected to the question as improper, and

The Lord-Chancellor thought that it could not be fairly put; but their lordships did not appear to have any objection to it, and therefore it might be proceeded with.

Mr. Tindal.—Was any agreement made between you and Rastelli, or with any body else, for your coming over here? I have made no agreement whatever.

Have you had any promise made to you that you shall receive any thing? None.

Then have you left Italy and your business without any promise

any compensation? They have made me no promise of compensation, or any thing else.

Have you seen Paturzo since you came here? I do not know Paturzo.

Have you seen Majocchi since you came here? I have seen him.

Has he told you how he was examined here? Nothing, he told me nothing.

Have you never spoken to him on the subject? We were talking together, and he said 'You will go up stairs, and then you will see how many people there are.'

Did not he also tell you, that there were two sets of counsel, one on your left hand, and the other on your right? I did not hear that.

Has no other person put that into your head? Nobody.

Did Majocchi dine with you yesterday? Yes.

And sup with you at night? Yes, he did sup last night,

Have you lived together every day since you came to England? No.

Have you seen him most days? I have seen him since the time I have been here in this place.

You stated, that you saw the princess and Pergami in a canoe upon the Lake of Como; are there not many villages and houses surrounding the Lake of Como? There are villages and houses, many.

Is there not a great traffic kept up, in passing backwards and forwards across the lake? Boats are passing.

There are no roads round the lake, are there? There are foot-paths where the country people go.

Is not the regular traffic or intercourse from one side of the lake to the other, kept up by boats? There are always boats going to and fro, some with wood, some with charcoal.

Was the carriage, that you described the princess and Pergami to be in, an open carriage? It is an open carriage, it is a small chair.

RE-EXAMINED BY MR. PARKE.

What size is the Lake of Como, what length and what breadth? The length begins from Como, and goes straight forward, the breadth is a mile, or a mile and a half.

Do you know about how many miles the length is? Beginning from Como to Cevennes is nearly sixty miles they say, but I have not measured them.

The witness was directed to withdraw.

Then *Paolo Raggazoni* was again called in, and the following questions were read over to him:

"Have you been ever examined since that time? No.

"Has no one spoken to you about the evidence you were to give since you have been in England? No.

"From the time that you signed your deposition at Milan, have you had any conversation as to these facts till to-day, with any person whatever? I have been speaking with nobody.

"You have never spoken with any one, except at Milan, from the time the circumstances you have stated took place? I never said any thing to any person: I have never opened my mouth with any person; and as I never have appeared before any tribunal of justice, I said to the curate of my country, that I did not wish to come, and he told me that I might go."

By a Lord.—Do you mean to say, that you never have been examined in England previously to your appearance here this morning? There was somebody who took me into a room, and asked me, whether it was true that I had said so, and I said "Yes."

When was that? I do not know the day.

About how many days ago? It was last week; I do not know the day, but it was last week.

The following question was put at the request of Mr. Brougham:

Had the gentleman who took you into that room a paper in his hand? Yes, he had a paper in his hand; and he was reading from this paper; and put me the question, and asked me whether it was so; and I said "Yes," when I knew it was true.

The following question and answer were read over to the witness:

"Have you been ever examined since that time? No."

You have stated that you have signed a deposition at Milan; you have also stated that you have not since been examined; what do yon mean by stating that you had not been since examined? I was thinking that you were asking me whether I had been examined at Milan before I came to England, and I was not examined there.

The witness was directed to withdraw.

Then *Paolo Oggioni* was called in and sworn, and examined by the Attorney-general, through the interpretation of the Marchese di Spineto.

What countryman are you? Of Lodi.

Were you ever in the service of the Princess of Wales? I have been.

In what capacity? Under cook.

How long were you in that service? Almost a year.

At what places? At the Villa d'Este and the Barona.

About how long ago is it that you quitted the princess's service? In the year 1817.

Did you know Pergami? I did.

Where did you first know him? At Lodi.

How long ago? Between the year 1805 and the year 1809.

In what situation was Pergami when you first knew him? I have seen him about Lodi, and I have seen him in prison.

Where did you see him in prison? At Lodi.

Mr. Denman submitted to their lordships, whether this could be evidence.

Was Pergami in the princess's service, while you were in her royal highness's service as under cook? He was.

What was Pergami's situation in the princess's house, or service, when you were there? Baron.

You say he was a baron, what was his situation in the household of the princess at that time? He commanded over the household.

Have you ever seen, during the time that you were in the service of the princess, the princess and Pergami together? I have.

Where have you seen them together? Going out and in the kitchen.

When you have seen them walking together, in what manner were they walking? Arm in arm.

Have you ever seen the princess riding on horseback or otherwise? I have.

Has any one been with her, when you have seen her riding? The baron and one of the servants.

You have said that you have seen the princess in the kitchen with Pergami; in what manner have they come into the kitchen? They came arm in arm.

For what purpose have they come into the kitchen? Sometimes to come and eat something.

By sometimes, do you mean many times, or few? Many times.

Had they any thing to eat in the kitchen? They had.

When you were at the Barona, did you ever know any balls given by the princess there? I have.

Who used to attend those balls? The country people of low rank in life.

Did the princess use to dance with those persons? No, she danced by herself, and sometimes with Pergami.

Did she dance at the same time with the country people and low people, who were there at those balls? She did.

Do you know the wife of the innkeeper of the St Christopher? I do.

Was she at those balls? She came twice.

Do you know any of the other women who came to those balls? There came the daughters of the farmer who hired the Barona.

What do you mean by "hiring the Barona," do you mean the tenant of the farm? Yes, the man who hired the land of the Barona; the tenant.

In what rooms did the dancing take place? In the dining-room.

Were any of the other rooms used upon those occasions? There were.

What other rooms? It was a room next to it which led on to the stairs that led into the room of the princess.

At those balls did any of the nobility of the neighbourhood attend? No.

At the Barona have you seen the princess and Pergami together? I have.

Where? In the kitchen, and walking many times.

When you have seen them walking, were they walking alone, or was any other person with them? I have seen them alone.

Do you know a person of the name of Mahomet? I do.

Have you ever seen him perform any dance*? I have.

Have you at any time when Mahomet has been performing his dance seen the princess? Her royal highness was present.

In what manuer did Mahomet dance or perform at that time? He did so. [*Here the witness made a motion, snapping the fingers, and imitating a sort of castanet dance.*]

Were those the only motions he made? I have seen him several different times always make the same gesticulations.

Have you seen the princess present upon more than one occasion, or only one occasion, when Mahomet was performing this dance? I have seen her more than once.

Where? At the Villa d'Este and the Barona.

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* There is in the first volume of *Wraxall's Memoirs*, a description of an Italian dance, called *Tarentella*, which the author, in company with many other gentlemen, witnessed at Lady Hamilton's house, in the year 1801. The dancers were Sir William and Lady Hamilton, her ladyship's maid-servant, the Duke de Noia, and a female Copt, perfectly black. "It would," he says, "be difficult to convey an adequate idea of this dance; but the Fandango and Sequedilla of the Spaniards present an image of it. Madame de Stael has likewise attempted to describe it; but she has softened down the voluptuous features that render it too powerful over the imagination and the senses, for she admits the "*Mélange de Pudeur et de Volupté*" inherent in the exhibition, which conveyed an idea of the *Bayarderes*, or India dancing girls. "We must recollect, says Sir Nathaniel, "that the two performers are supposed to be a satyr and nymph, or rather a faun and Bacchante. It is certainly of a nature not to be performed, except before a select company, and the screams, attitudes, starts, and embraces with which it was intermingled, gave it a peculiar character." Volney, in his travels through Egypt and Syria, censures, with the utmost indignation, the lascivious dances of the inhabitants; and the Spanish fandango is mentioned with great disapprobation by Bourgoing.

In what part of the house, or was it in the house that the princess was present? Twice in the kitchen, at other times in the court.

Upon those occasions when the princess was present, did Mahomet do any thing with any part of his dress? He took his breeches and made a kind of a roll of it, and made so, *(making a motion in the front of his pes on.)*

In what position was that roll? With the breeches twisted round before, *so**.

When the princess was present upon those occasions, did she look at Mahomet? She did.

Did she say or do any thing upon those occasions? She laughed.

CROSS-EXAMINED BY MR. WILDE.

When did you leave the princess's service? In the year 1817.

Were you discharged for drunkenness? No.

Did you go away of your own accord? When she set out to go to Rome, I was left behind, with six other servants.

Do you mean that you were discharged at that time? I was; but my discharge was when she set out, till a further order, and this further order never came.

Did you receive any pay from the princess after that? No, I did not.

What service did you next enter into? In the house of a priest: I went into the service of a priest, but I do not remember his name.

Where did he live? At Milan; he was the minister of the great hospital at Milan.

How long did you live in his service? A year.

Living a year in his service, do you mean that you do not know his name? I do not remember the name.

When did you enter into that person's service? When I left the princess.

How soon after the princess left to go to Rome? After six months.

Do you mean that you were out of service for six months after you left the princess? Now I remember the name of the priest is called Borbona.

Do you mean that you were out of service six months. I was.

Where did you live during that time? In my house at Lodi.

How did you support yourself during that time? From my house.

How did you support yourself during that time? Economically, with my money.

Are you a married man, or were you a married man at that time? I was.

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* The motions of the witness being directed towards their lordships, were not distinctly seen below the bar.

Have you any family? One child.

Do you mean that you have saved money enough to live without work for six months, and to support your family? I do.

Are your wife and child over in England with you? They are not.

Where are they? At Lodi.

In what capacity were you with the person you have mentioned? A footman and cook.

How long did you continue in that service? Almost a year.

What was your next service? The vice-prefect of Monza.

Where were you when you were first applied to, to give information upon this subject? I was with the architect Albigi.

Where does he live? At Milan.

Who applied to you? I was applied to by the police.

Had you ever mentioned any of the circumstances you have stated to-day, before that application? I had not.

Are you quite sure that that application was made to you before you had said any thing to any body upon that subject? I never said any thing, except when I was sent for, when I knew nothing of this.

Were you examined at Milan? I was.

How often? Once.

Was your examination put into writing? It was.

Have you seen that examination since? I have not.

Have you ever been examined since, either at Milan or in England? I have been examined also in England.

Had the person who examined you any paper to examine you from?

He did write, but I do not know what paper he had; he wrote down what I said.

The question is, whether the person who examined you read a paper? He did.

Who applied to you to come to England? The government at Milan.

Were you at that time in your place with the architect? I was.

Have you given up your place? They have taken me to bring me here, and so I was obliged to give it up.

Do you know a person named Rastelli? I do.

Have you had any communication with him since you left the princess's service? I have not.

Do you know Majocchi? I know him here.

How long have you been here? I do not remember how long I have been here; I do not remember how many days.

Have you seen Majocchi every day since you have been here? I have.

And Rastelli? No.

You have been describing some dances of Mahomet; who were present when those dances were performed? The princess and the baron.

Were you present? I was.

Was anybody else? There were many others, but I paid no attention to who they were.

RE-EXAMINED BY MR. ATTORNEY-GENERAL.

You have been asked, whether the person who examined you in England had a paper in his hand, and whether he read it; did he read it aloud to you, or was he reading it to himself? He read it to himself.

You have said that you do not know how long you have been in England; have you been in England more than once? Yes.

Do you remember how long ago it is, the first time that you came here? I do not remember the day, I have it not in my mind.

Where did you come to when you first came to England? To the inn.

Do you know the name of the inn where you landed the first time you came? I do not know, because it was in the night.

Did any thing happen there the first time you came?

Mr. Denman objected to the question, rather to save the time of the house, than with any other view. The witness, having stated that he had been twice in England, was now asked what he did at the former time. The cross-examination of his learned friend (Mr. Wilde), had led to nothing connected with the former residence of the witness in England; and he would put it to the house whether such a mode of re-examination was either decent or proper.

The Attorney-general said, that whether his mode of examination was, or was not, "decent or proper," would be determined by their lordships. The witness had been questioned upon the cross-examination, as to the length of time he had been in England. Those questions would not have been asked but with a view to some future observation upon the evidence; and he submitted that he had a right to question the witness as to the period of time, and as to the mode in which he had lived. If the cross-examination had been "decent and proper," the re-examination was equally so.

Mr. Denman thought that the best answer to the learned

Attorney-general's argument would be a recapitulation of his words. He (Mr. Denman) had no objection to the witness being asked how long he had been in England; but the learned Attorney-general was attempting to set up a precedent for introducing matter most irrelevant; and, with a view to the interest of his own client, stating an inquiry not grounded upon the cross-examination. It was not decent, he maintained, in the Attorney-general to take such a course; but, whether it was decent or not, it was irregular. It was attempting, in fact, to give the go-by to the cross-examination. He should not persist in his objection, unless supported by the house; but he was certain that their lordships would not permit the Attorney-general by irrelevant questions to divert their attention from the main object of the inquiry.

The Lord-Chancellor said that the Attorney-general was a liberty to ask any questions which arose out of the cross-ex amination of the witness.

Did any thing occur upon your first coming to England which enables you to recollect about what time it was that you came here? I do not remember when I arrived in England.

Is there any circumstance which will revive your recollection? The first time I came to England I landed at Dover.

How long did you remain in England then? A night and a day.

Where did you go then?

Mr. Denman.—How can where he went to on the first occasion have any thing to do with the second?

The Lord-Chancellor did not see the utility of the examination. It appeared to him difficult to apply what happened at Dover to the present case.

The Attorney-general had heard questions put to the witness, upon the cross-examination, as to the time he had been in England, and the manner in which he was living. The intent of those questions was obvious; and he was now trying to satisfy the house of the reasons which had led to that mode of living.

Mr. Denman apprehended, then, that the statement of the learned Attorney-general stated him out of court; because any observations as to the witnesses living together would

equally arise, whatever may be the cause of their so living. The house, he thought, would not enter into a trial of the new issue—what particular motives, after the witness had first come to England, had led to his going back. He opposed the questions, in order to exclude evidence which, though irrelevant and unimportant, was meant to prejudice the case of his client.

After a short consultation with the judges, the Lord-Chancellor stated their opinion to be, that the question could not be put. But, previous to the examination going on, the short-hand writer was desired to read the three preceding questions and answers, which was done accordingly.

Mr. Brougham said, he understood their lordships to have put an hypothetical case, on which their decision was founded. He hoped the same latitude would be allowed to her Majesty's counsel on any future occasion.

The short-hand writer was then called upon by the Lord-Chancellor to read that part of the cross-examination alluded to by the Attorney-general. This having been done,

The Lord-Chancellor said, he did not see that in that evidence there was conveyed any imputation that the witnesses lived together.

EXAMINED BY THE LORDS.

Marquis of Lansdown.—On the occasion on which you have described Mahomet to have used certain gesticulations in the presence of her royal highness, twice in the kitchen, and once in the court, can you state from your own knowledge, whether, on those occasions, Mahomet had been sent for by her royal highness for that purpose? Her royal highness never sent for Mahomet, her royal highness altogether did not send for Mahomet.

You have described that Mahomet twisted part of his breeches into a roll, do you know what that roll was meant to represent? It seems as if it was the membrum virile.

When this was performed, did her royal highness retire, or did she remain at the place where she was? She remained there and laughed.

When you state that her royal highness did not send for Mahomet on the occasion of his using certain gesticulations, do you mean that her royal highness did not send you for Mahomet, or that you know that

her royal highness did not send for Mahomet at all? I never saw any person sent to fetch him, and I do not know whether any person was sent to fetch him; I know that she came when he was dancing.

How long did her royal highness remain present during the time that Mahomet was using these gesticulations? She remained some little when she came under the arm of the baron, but how long she staid I paid no attention, because I attended to my work.

The Earl of Liverpool expressed a wish that the answer of the witness to the question, whether her royal highness had sent for Mahomet, should be read.

The short-hand writer read the question and answer; viz., "On the occasion on which you saw Mahomet use certain gesticulations in her Royal Highness's presence, can you state, on your own knowledge, that he was sent for by her royal highness? Her royal highness did not send for him—not altogether."

Does the witness mean to say, that her royal highness did not send him for Mahomet, or that she did not send for Mahomet at all? I never saw any person sent to fetch him. I don't know that any person was sent; but I know she came when he was dancing.

How long did she remain present when Mahomet was making those gesticulations? When she came I saw her, but how long she stayed I paid no attention to, for I attended to my duty.

Did her royal highness appear to receive much gratification on these occasions? Very great.

Mr. Denman observed, that, in a court of law, evidence relative to the feelings of an individual would not be considered admissible.

Did any thing particular happen to you upon your first arrival at Dover? Yes, much.

State what that was.

Mr. Denman objected to this question, and he humbly prayed their lordships to consider whether his objection were well or ill founded before the question was put. He submitted, that unless the circumstance alluded to could be stated to have happened in the presence of her royal highness, or could, in some way or other, be connected with her agents, their lordships could not, according to the received rules of evidence which governed the inferior courts, allow the question to be put.

T. Wright sculp.

LOUISA DEMONT,

Sketched by T. Wivell in the House of Lords.

London, Published by T. Kelly, 17, Paternoster Row, Nov. 1, 1820.

Mr. Brougham said, their lordships had always been ready to give a certain liberty to counsel in objecting to questions that appeared irregular; and, if they looked to former trials in that house—he spoke particularly of regular trials—they would find that the party prosecuted had been allowed so to object, by the indulgence of their lordships.

The Lord-Chancellor said, that if any thing like a leading question were asked, it could only be justified by what had occurred before. He apprehended that, until it could be shown (if, indeed, it could be shown) that her royal highness was connected in some way or other with what happened at Dover, the circumstances that took place there could not be received in evidence. The noble lord who put the question might give reasons for asking it, and it would then be for the house to decide whether it should be put or not. But, at present, it was so general, that the house knew not how to apply it.

The peer who proposed the question said, that in consequence of what had fallen from the bar, he withdrew it.

Viscount Falmouth.—The witness says that the princess gave balls, I wish to know who asked the company; whether it was the princess, or whether the servants were allowed to ask their friends? I don't know who invited the company. They came; but I don't know who invited them, because I attended to my own business.

Then I understand they were not servants' balls? They were not.

Lord de Dunstanville.—Did you consider the motions of Mahomet as the mere customary motions of that person in his dance? He always made those gestures as a customary act in his dance.

Earl of Darnley.—During those exhibitions of Mahomet, were there many persons present? were women present as well as men? There were no women.

The examination of this witness closed here.

Then *Louisa Demont* * was called in and sworn, and examined through the interpretation of the Marchese di Spineto.

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* This witness, of whom the public have heard so much, wore a handsome black satin hat, ornamented with feathers; a muslin ruff, highly plaited; a white silk handkerchief over her neck and bosom, and a black satin gown, vandyked at the top, and profusely decorated with

Mr. Williams.—You do not understand English, do you? Très peu.

How long have you been in England? Treize mois.

Have not you talked English at all? Très peu.

Have you not been in the habit of speaking English? *(In French, through the Marchese di Spineto.)* I cannot speak it; I understand it very little.

Examined by the Solicitor-general, through the interpretation of the Marchese di Spineto.

Of what country are you a native? Of the Pays de Vaud, Switzerland.

Are you of the protestant or the catholic religion? I am a protestant.

Did you enter into the service of the Princess of Wales? I have been.

Where did you reside at that time, just before you went into her service, what was your home? At Colombier.

Where did you first go, for the purpose of seeing the Princess of Wales? To Geneva.

Did you make any engagement with the Princess of Wales at Geneva, or did you make an engagement after you had seen her at Geneva? I had engaged myself to live in her service, with her maitre d'hotel, for five years.

Was that at Geneva? Yes.

Did you enter into her service in fact at Geneva, or did you afterwards enter into her service at any other place? I entered her royal highness's service at Lausanne.

Did you proceed with her royal highness from Lausanne to Milan? I did.

You have stated, that you entered into the service of her royal highness for five years; in what situation or capacity did you enter into her service? As first femme-de-chambre.

State when you arrived at Milan of whom the suite of her royal highness consisted? Gentlemen, or all together.

State first the gentlemen? There were four gentlemen, Sir William Gell, Mr. Craven, Doctor Holland, and Mr. Hesse.

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flounces at bottom. She is the smartest-dressed of *femmes de chambre*, but neither the youngest nor the prettiest. She seems to be about thirty-six years of age: in complexion she is a *brunette;* her cheeks sunk and shrivelled, and her eye more remarkable for an expression of cunning than of intellect. She advanced to the bar with a degree of confidence which even the penetrating glance of Mr. Brougham, who eyed her most perseveringly "from top to toe," did not at all affect.

State what ladies composed her suite at that time? Lady Elizabeth Forbes.

At what place did you lodge upon your arrival at Milan? In an inn.

What was the name of that inn? The Royal Hotel, I believe.

Do you remember a person of the name of Pergami, who was engaged at that place in the service of her royal highness? I remember it well.

In what situation or capacity was he engaged to serve her royal highness? As courier.

As nearly as you can recollect, how many days was this before her royal highness quitted Milan? About a fortnight; I do not recollect exactly.

During the fourteen or fifteen days to which you have spoken, did Pergami wait at table upon her royal highness? Yes, he waited at table.

From Milan, did her royal highness pass through Rome in her way to Naples? Yes, she passed through Rome.

Do you recollect a young person of the name of William Austin being with her royal highness? I do.

Before the princess arrived at Naples, where was William Austin in the habit of sleeping usually? Generally he slept in the room of her royal highness.

Do you recollect in what house her royal highness slept on the night before she entered the city of Naples? In a country house.

Do you recollect whether William Austin slept in the room of her royal highness in that country house? I cannot positively say about that night, but generally he was in the habit of sleeping in the room with her royal highness.

Had her royal highness, about that time, any conversation with you about the place of sleeping of William Austin? Her royal highness told me, during that same evening, in the country house, that William Austin had become too big a boy to sleep in her own room, and he must have a chamber to himself.

Up to this period, of which you have been speaking, did Pergami breakfast and dine with the other servants? He dined always at our table, the table at which I dined.

Do you know what room was allotted for Pergami upon the first night of his arrival at Naples? I do not know.

Do you remember the room in which he slept on the second night of your arrival at Naples? Yes, I do.

Was that room near the room which was occupied by her royal highness? It was near.

Was there an internal communication between the two rooms? There was one.

What was there between the two chambers? A small cabinet with a fire-place, and a passage.

Could you pass from the room of the princess into the room of Pergami, by going along that passage, and through the small cabinet? Yes.

Was there any door communicating from that passage to any other part of the house? There was a door that led out of the passage.

When that door was closed, and when the door of her royal highness's apartment was closed, and the outer door of Pergami's room was closed, could any body have access to those rooms and that passage? No, there were only those doors.

Did her royal highness, on the evening after her arrival at Naples, go to the opera? Her royal highness told me whilst I was dressing her that she was going to the opera.

Did she return early or late from the opera that evening? It seemed to me that she returned early.

Upon her return where did she go? I found her in her bed-room.

Were you in the bed room yourself? I was not there, but she sent for me.

Upon your arrival in the bed-room of the princess, what did the princess do? Her royal highness crossed the passage, and went into the cabinet.

Do you know where Pergami was at that time? I do not know.

After her royal highness had gone into the cabinet, what did she then do? I do not know what she did, but she returned immediately into the bed-room where I was.

Did she say any thing to you; did she give you any orders? Her royal highness told me to forbid William Austin to enter into her room, because she wished to sleep quietly.

Where did William Austin sleep that night? In a small cabinet, where he remained all the time we were at Naples.

Was that cabinet adjoining to the bed-room of the princess? It was near, there was a door of communication.

Do you know whether that door was open or shut that night? I saw it shut.

When that door was shut, was there any communication between that cabinet and the passage of which you have spoken? There was none but the passage.

What beds were there that night in the bed-room of the princess? Two; a large one and a small one.

What was the small bed? The travelling bed of her royal highness.

Did her royal highness usually sleep on that bed? She slept in it generally.

Was that bed, or not, made up that night for her royal highness? I saw in the evening that it was made.

Did you take any notice of the other bed, whether there were sheets on it, or not? I saw afterwards that there were no sheets.

How long did you remain with her royal highness that night before you left the bed-room? Some minutes, a very little time.

Did you make any observation upon the conduct of her royal highness at that time in the bed-room? I saw she was extremely agitated.

What was your reason for remaining only a few minutes? Because her royal highness sent me away immediately.

Had that been her usual practice? It had not.

What time the next morning did you see her royal highness? I do not remember precisely.

As nearly as you can recollect? Nearly eleven o'clock, or about eleven o'clock.

Was that later, or about her usual time? It was nearly her usual time.

When did you see Pergami that morning? I did not see him during the whole of the morning.

When was it that you first saw him that day, and where? At dinner.

Did you take notice of the princess's travelling bed in the morning? I did.

What observation did you make, as to whether it had been slept in or not? I observed that nobody had slept in it.

Did you observe the larger bed, what appearance that had? I did.

What observation did you make upon the large bed? I observed it had been occupied.

Can you inform their lordships more particularly of the state of it? I cannot.

Was it much or a little deranged or tumbled? Not much.

Do you know where Pergami slept, during the whole time he resided at Naples from that period? In his room.

Is that the room which you have described? Yes.

Was it near or at a distance from the rooms of the other servants? There was only Mr. Hieronimus who slept on the same side of the house.

Where did Mr. Hieronimus sleep? In a room which had a door in a corridor, which was before entering the room of her royal highness; the two doors were in the same passage.

Did you, whilst you resided at Naples, ever see Pergami in the bed-room of her royal highness, or in her dressing-room? I have seen him in the bed-room very often.

Who was it that at Naples assisted her royal highness in making her toilette? I.

Did you ever see any other person present at the time when her royal highness was making her toilette at Naples? Mr. William Austin and Mr. Pergami.

Was Pergami at that time courier? He was a courier.

How old was Mr. William Austin? Twelve or thirteen years about.

You have said that you have seen Pergami present in the dressing-room, when the princess was making her toilette; was that once or more than once, or how? Several times.

In what state of her royal highness's dress, when she was little dressed, or much dressed, or how? Sometimes she was dressed, sometimes she was not.

Did he go in only for a moment, and come out again, or did he remain for any time? He went in and out.

Do you remember ever seeing Pergami at night in the passage of which you have made mention? I do.

Where was her royal highness at that time? In her bed-room.

Was she dressed or undressed, or in what state? She was undressed.

Where were you standing? I was near to the door of her royal highness.

Where did you see Pergami? I saw Pergami come out of his room, and come into the passage.

In what direction, towards the princess's room, or how? He was going towards the bed-room of her royal highness.

What was the state of Pergami's dress at the time you saw him in the passage going towards the bed-room of her royal highness? He was not dressed.

When you say he was not dressed, what do you mean; what had he on? He was not dressed at all.

Do you remember what he had on his feet? Slippers.

Do you remember whether he had any stockings on? I saw no stockings.

Had he on any thing more than his shirt? Nothing else.

You have said that the princess at that time was undressed; had she got into bed or not? She was not in bed.

When you saw Pergami coming along the passage in the direction of her royal highness's room, in the manner you have described, what did you do? I escaped by the little door which was near me out of the apartment of the princess.

You have stated what was the condition of the small travelling bed on the second night after the princess's arrival at Naples; what was the state of that bed on the subsequent nights during her residence at Naples? I made no observation on it afterwards.

State what was the appearance on the second night of the great bed,

whether it had the appearance of one person having slept in it or more? More than one person.

How was that bed on the subsequent nights; had it the appearance of one person having slept in it, or more than one person? I have always seen the same thing.

At Naples? Yes, at Naples.

Was it your business, during a part of the time of the residence at Naples, to make the princess's bed? Towards the latter end of the time we remained at Naples it was I who made the bed.

Did you make the small travelling bed? I did.

Did you make it up every day? I do not remember at Naples.

Do you mean to say you do not remember during any part of the time at Naples? Not during the whole time.

Do you remember a masked ball that was given to Murat by her royal highness? I remember it.

Where was the place where it was given? At a house on the sea-shore.

Where did her royal highness dress herself for that ball? In a small room on the second floor.

In the house where the ball was? In the same house.

In what character did she first appear? In the character of a countrywoman in the neighbourhood of Naples.

Whose business was it to assist her royal highness in putting on her dress for the ball? Mine.

Did you go to that house? I did.

Did Pergami also go? Yes, he went with me in the same carriage.

When the princess dressed herself in the dress you have described of a Neapolitan peasant, who assisted her in dressing? I.

How long did her royal highness remain at the ball in the character of a Neapolitan peasant? About an hour.

Did she afterwards return for the purpose of changing her dress? Yes.

What dress did she assume the second time, what character? The Genius of History.

Did she change her dress entirely for that purpose? Yes.

Did you assist her in changing her dress? I did not.

Who assisted her in changing her dress? Pergami went into her dressing-room; there were two rooms, an ante-room, and a dressing-room.

Where did you stay yourself? In the ante-room.

Did you see Pergami go into the dressing-room? I saw him enter.

How long did the princess remain in the dressing-room before she came out with her dress entirely changed? I do not remember precisely.

Can you tell about how long? About three quarters of an hour.

When she came out, did she come out alone, or did any person come with her? Pergami came out first, and her royal highness came out after.

How long before her royal highness came out did Pergami come out? A very little time.

When you say a very little time, was it one, two, three, or four, or five minutes, or what? Two or three minutes.

Did her royal highness go to the ball in this character you have described? She went down to go to the ball in the same character.

How long did she remain absent? About three quarters of an hour, thereabouts.

At the end of that time, did she come back again into the ante-room? She returned into the anto-room?

Describe the manner in which her royal highness was dressed in this character of the Genius of History? She had her arms bare, and her breast bare, and the drapery in the same way as people represent the muses, or the Genius of History?

When you describe the arms bare, up to what part do you mean; the entire arm, or how? I did not observe whether they were completely bare?

You have mentioned, that after the princess had gone to the ball the second time, she returned to the ante-room; did she go into her dressing-room again, for the purpose of changing her dress? She did.

Did you go into the dressing-room for the purpose of assisting her, or who else? I did.

In what character was she dressed this third time? Something like a Turkish peasant; something that had the appearance of it.

Where was Pergami during the time the princess was arranging her dress as a Turkish peasant? In the ante-room.

What was he doing there? In going out of the room, I saw him dressed like a Turk.

Did her royal highness go to the ball again, in this character of a Turkish peasant? I saw her go down stairs to go to the ball.

Did she go alone, or did Pergami go with her? Pergami went with her.

Did you see them go down stairs together? I did.

In what way did they go; were they separate, or how? The princess was under the arm of Pergami.

Was Pergami still courier? He was.

Did Pergami return from the ball before the princess, or how? He returned almost immediately.

Upon his return, did her royal highness come back? I do not remember.

How soon after did you see her royal highness? I saw her at the moment we were going to our house.

Do you recollect whether or not you saw her royal highness soon after Pergami returned from the ball in the manner you have described. I do not remember.

Was there any garden belonging to this house where the princess lived at Naples? Yes, there was a garden.

Was there any terrace in that garden? There was a small terrace.

Did you ever see the princess walking upon that terrace? I have seen her once.

Alone, or with any body. With Monsieur Pergami.

Can you describe how they were walking, whether they were together or separate? The princess was under the arm of Mr. Pergami.

Do you recollect where the princess was in the habit of breakfasting at Naples? In the small cabinet with a fire-place.

By that do you mean the cabinet you have described contiguous to the bed-room of Pergami? I do.

Did she breakfast there alone, or did any person breakfast with her? I do not know.

Were you ever in the room when her royal highness was at breakfast in that cabinet? I do not remember.

Do you remember Pergami meeting with some accident while he was at Naples? I do.

Upon that occasion was there any bed or sofa put into the cabinet? I do not know whether it was put for that occasion; but I saw Pergami sitting on a sofa in the same cabinet.

Do you know the theatre St. Carlos at Naples? I do.

Did you ever go to that theatre with her royal highness? Yes, once.

Who went with her royal highness besides you? Mr. Pergami

In what carriage did they go? A hired carriage.

Did Pergami go in the carriage with her royal highness? He did.

Where did her royal highness get into this carriage? We went through the terrace and the garden by a small door which led into a small street which was by the side of the garden.

What kind of night was it, do you happen to recollect? Gloomy, very gloomy, and it rained.

When you first arrived at the theatre, into what part of the theatre did you go? We went up stairs into the saloon where they walk.

In what way was her royal highness dressed? Her royal highness was dressed in a red cloak; a very large cloak.

In what way was Pergami dressed? As far as I can remember, he was dressed in a red domino.

What had he on his head? A large hat.

Of what description? Large.

When you got into the saloon what took place? Nothing happened to us.

Did you afterwards go into any other part of the house? We descended into the pit.

When you got into the pit, what happened? Many ugly masks surrounded us, and began to make a great noise and hissed us.

Describe all which took place? Those masks surrounded us, and we had great difficulty to withdraw, at last we went into a small room.

Was there any thing particular in the dress which her royal highness wore? Her dress was very ugly, monstrous.

How long did her royal highness remain in the whole at Naples, as well as you recollect? About three or four months.

During that time, did Pergami continue to wait at table as usual, or how? Yes, he did.

Did you make any other observations, except as you have stated, upon the conduct of her royal highness and Pergami towards each other, when they were together at Naples? Only that they were familiar, one towards the other.

How early did that familiarity commence, at what period? From the moment we reached Naples.

Were the servants in general in the habit of going into the bedroom of her royal highness without knocking? No, unless they were sent for by her royal highness.

Did you observe, in this respect, how Pergami conducted himself; did he go in without knocking, when he was not sent for? He never knocked.

Did any part of the English suite of her royal highness quit her whilst she was at Naples? Not during our stay; but when we left Naples, some remained at Naples.

Where did her royal highness go to from Naples? To Rome.

Which of the four gentlemen, whose names you have before mentioned, accompanied her royal highness to Rome; did any of them? Dr. Holland.

Did the lady you have mentioned accompany her royal highness to Rome? She remained at Naples.

What lady was that? Lady Elizabeth Forbes.

Had her royal highness then any English lady in her suite when she arrived at Rome? She had Lady Charlotte Lindsey.

When did Lady Charlotte Lindsey join? As far as I recollect, towards the end of the time we were at Naples.

From Rome did her royal highness go to Civita Vecchia, and afterwards to Genoa? Yes.

Do you remember the house in which her royal highness resided whilst she was at Genoa? I do.

Was there any other English gentleman, except Dr. Holland, in the suite of her royal highness at Genoa? Mr. Hownam joined at Genoa.

With the exception of Dr. Holland and Mr. Hownam, was there at that time any other English gentleman in her suite? No; Lord Glenbervie came every day to dine, but I do not know that he was in the suite.

Did Lady Charlotte Lindsey go to Genoa? She did not.

Where did she leave? At Leghorn.

Do you recollect the situation of the bed-room of the princess and of Pergami at Genoa? I do.

Were those rooms near or distant from each other? They were very near one to another.

Do you recollect what separated them? A single room.

For what purpose was that room used? There was the luggage of her royal highness, and her royal highness dressed there also.

As far as you recollect, was there any communication between that room and Pergami's? There was.

Did they continue to sleep in those rooms you have described, during the whole time that her royal highness resided at Genoa? They did.

Did you observe where her royal highness breakfasted at Genoa? I did.

Where was it? In a small cabinet at the end of the grand saloon.

Do you know whether she breakfasted there alone or not? I have seen twice Mr. Pergami breakfast with her.

Was Pergami at that time courier? He was.

Do you know who waited at breakfast? Louis Pergami and Theodore Majocchi.

What relation is Louis Pergami to Bartholomew Pergami? Brother to Mr. Pergami.

Do you remember any garden or shrubbery belonging to that house at Genoa, where her royal highness resided? I do.

Have you ever seen her royal highness walking in that shrubbery? Very often.

Did you ever see Pergami in the shrubbery? I have.

Was her royal highness, when walking in the shrubbery, always alone, or had she any person with her? Pergami was always with her.

How were they walking, in what way, separate or together? Her royal highness was upon an ass, but at other times they walked together.

When you say they walked together, describe in what manner they walked together? I have not observed.

Had you any thing to do in making her royal highness's bed during any part of the time of the residence at Genoa? Till the time that my sister arrived.

You were just asked, whether you had seen the princess and Pergami walking together in the shrubbery; you said many times; were they at those times alone, or were other persons with them? Sometimes me, sometimes Theodore Majocchi, and sometimes William Austin, and sometimes we were all together.

At Genoa, where was the bed-room occupied by you? By the side of that of her royal highness.

Was the door between the room occupied by you and the bed-room of her royal highness open at night, or how? The princess always locked it every night when I went away.

You were asked whether the door between your bed-room and that of the princess was left open at night, or how; you said it was shut; what do you mean by shut, shut with the key, or only shut? Her royal highness turned the key inside.

Was the bed-room of Pergami situate on the opposite side? It was.

In the morning, who let you into the princess's room? The princess herself called me from my room.

Did you observe the bed of the princess, whether it had been slept in or not? Most often it had not been slept in.

What do you mean by "Plus souvent?" Ordinarily, commonly.

You have stated, that, after you were in your bed-room, the princess locked the door on the other side; after this, did you hear any noise of any door opening, or any other thing, in the princess's room?

The witness was directed to withdraw.

The witness was again called in, and the question was proposed through the Marchese di Spineto.

I have sometimes heard the noise of a door opening towards the side of the princess, but I do not know whether it was the door of her room.

Was there any other door that you recollect, in that direction, except the door of the princess's room, or the door of Pergami's room? There was a third door into the dressing-room of her royal highness.

Was that the room which you have described as being the room between the bed-room of her royal highness and Pergami's room? In the room which was between the two rooms, there was a third door, which was in the room where her royal highness breakfasted.

After you had heard this door open, did you hear any noise in the princess's room during the remainder of the night, or was all quiet there? All was quiet.

Was it your business at the period of which you are speaking, to make the bed of her royal highness? It was.

Describe what you were in the habit of doing to the bed? I arranged the pillows, and I spread the clothes.

Did you unmake the bed entirely? Very seldom.

Why did you not? Because there was no need for it; it was made.

Was it in that state in the morning always, when you went for the first time into her royal highness's bed-room? Almost every morning.

How long did her royal highness continue at Genoa? Nearly two months.

During the time that her royal highness resided at Genoa, did any of the relations of Pergami enter her service? Louis Pergami, brother of Mr. Pergami.

Do you remember Faustina? I do.

Did she enter into the service there? She was travelling and arrived at Genoa, but I do not know whether she entered the service of her royal highness.

Did she live in the house of her royal highness? She came expressly from Milan to her royal highness.

Did she reside with her royal highness during the remainder of the time that her royal highness continued at Genoa? She did.

Do you know Pergami's mother? I do.

How did they call her? They called her Nonna, which signifies grandmother, the mother of Mr. Pergami.

Did she continue to live with her royal highness during the remainder of the time she continued at Genoa? Yes, as well as Faustina.

Was there a little child, the daughter of Pergami? Yes.

What was her name, and how old was she? She was called Victorine, and was about two or three years old.

Did her royal highness, whilst she was at Genoa, go to look at any house in the country? She did.

Did she say for what purpose she went to look at that house? Because she wished to live there, she had a desire to take it.

Did she say any thing about the English? She said, that it was distant from the town, where there were many English.

Did her royal highness say any thing more upon that subject? Her royal highness only said, that she wished to take that, because it was far from Genoa and the English.

Where did her royal highness go to from Genoa? She went to Milan.

Did she go to a house in the Plas Boromeo? Not immediately.

How soon after her arrival at Milan did she go to that house? Two or three days.

Had any English lady joined her royal highness at Genoa? Lady Charlotte Campbell

With her daughters? Her daughters came also, but they were in a private house.

Did Lady Charlotte Campbell go to Milan with her royal highness; did she accompany her on the road to Milan? She did not, not on the same day, but she came afterwards.

Who went in the carriage from Genoa to Milan with her royal highness? William Austin and I.

Did you see Pergami on the road? I did.

Did you see her royal highness say any thing, or do any thing, or give any thing to Pergami on the road? Her royal highness gave often something to eat to Pergami, and asked him if he wanted any thing.

Do you mean that that was at the times when they stopped at the inns, or when they were travelling on the road? On the road, because we ate in the carriage.

In what character was Pergami serving upon that journey? He was on horseback, dressed as a courier.

Do you recollect the situation of the bed-rooms of Pergami and the princess in the Plas Boromeo at Milan? I do.

Were they near to or distant from each other? They were near.

How long did Lady Charlotte Campbell continue at Milan with her royal highness? I believe nearly a month as far as I can recollect.

When Lady Charlotte Campbell went away and left her royal highness, was there any English lady remaining in her suite? No.

Did any other lady come into the situation of lady of honour? Yes.

How soon after Lady Charlotte Campbell had gone away? A few days after.

Who was that person? The Countess Oldi.

Before she came into the service of her royal highness, had you any conversation with her royal highness upon the subject, or did her royal highness say any thing to you upon the subject? She told me that Countess Oldi wished to come; that the Countess Oldi wished to come into her service as a dame d'honneur; that her royal highness wished to take the Countess Oldi into her service.

At the time you had this conversation with her royal highness, did her royal highness tell you who the Countess Oldi was? She told me only that she was a noble lady.

Do you know what relation the Countess Oldi was to Pergami? She was the sister of Mr. Pergami.

How soon did you know that the Countess Oldi was a sister to Pergami? Two months after her arrival.

Did her royal highness give any other description of the Countess

Oldi, except that you have mentioned, that she was a noble lady? She only said that people said that she was pretty or handsome.

After this conversation, did you see Madame Oldi when she came into the service? I did.

Did you know whether she could speak French? Not at all.

Could her royal highness speak Italian? Very little.

Did you make any observation upon the language of the Countess Oldi, so as to ascertain whether she was a woman of education? I only observed that she spoke very vulgar Italian.

Did you ever see any of her writing in Italian?

Mr. Williams objected: the question could not be put if any inference were to be drawn as to the style of Countess Oldi.

Mr. Brougham.—This is the first time a woman has been asked to criticise the style of another woman in a language which is not her own.

The Solicitor-general.—Perhaps the answer may be that she could not write. *(Go on, go on).*

The Lord-chancellor.—You may ask whether she could read and write. *(Go on).*

Did you make any observation on the manners of the Countess Oldi? in your judgment were they the manners of a lady of distinction or not? *(No, no,* interrupted the reply of the witness.)

Mr. Brougham.—We make no objection to the question: we beg that the opinion of this Swiss chambermaid on the manners of ladies of distinction may be put down and registered.

Did you make any observation upon the manners of the Countess Oldi; whether they were the manners, in your judgment, of a gentlewoman or not?

The interpreter stated, that he was under a difficulty in interpreting that question; as there was not such a word as "gentlewoman" in the French language.—(This remark occasioned much laughter).

Did you make any observation upon the manners of the Countess Oldi? No, I did not.

Do you remember a gentleman of the name of William Burrell being with her royal highness at Milan? I do.

How long did Mr. William Burrell remain with her royal highness? Not a very long time; I do not remember precisely.

Can you state about the time? About a month, more or less.

After Mr. William Burrell went away, did any other English gentleman come into the service of her royal highness? No.

At what place did Dr. Holland quit her royal highness? At Venice.

Was that during the time that her royal highness was residing at Milan? It was.

Did any other English person except Mr. Hownam remain in her royal highness's service after that time? No.

Where did her royal highness go to from her house in the Plas Boromeo. To Como.

To Villa Villani? Yes.

Was there any gallery belonging to the house in the Plas Boromeo? Yes, round the house, inside.

Do you remember being in that gallery at any time in the morning, and seeing Pergami? I have not seen Pergami on the gallery.

Where did you see him? At his window.

What was he doing? He was opening his window to call his servant.

What robe or dress had he on at that time? He had a gown of blue silk that the princess put on generally in the morning.

Had you seen the princess wear this before that time? Often.

How near to that time, some days before or the day before, or how Some days before.

After Mr. Burrell left the house of her royal highness, did any alteration take place, was there any change in what was going on in the house? There was more freedom in the house, more liberty.

Can you state in particular what you allude to, what you observed? Her royal highness and the servants played in the saloon every evening.

Can you tell at what game? Different games, different plays, different frolics, blindman's buff.

Did the princess play? She played sometimes.

To the best of your recollection, did this take place before Mr. Burrell left? After Mr. Burrell left.

Did you make any observation upon the conduct of her royal highness with respect to Pergami during the residence at Milan and at the Villa Villani? No, only that they were very free towards one another.

When was it that the princess went to the Villa d'Este? At the beginning of September.

Adjourned to to-morrow.

THIRTEENTH DAY—THURSDAY, AUGUST 31.

COUNSEL being called in, *George Pinario* was sworn as interpreter, at the desire of the counsel in support of the bill.

Edgar Garston was sworn as interpreter, at the desire of the counsel on behalf of the queen.

Louisa Demont was again called in, and further examined by Mr. Solicitor-general, through the interpretation of Mr. Pinario.

Did the princess, while she was residing at the Villa Villani, make any tour to any place? To Monte St. Gothard.

Do you remember at what place in that tour she first stopped? At the Boromean isles.

Did the princess sleep at the Boromean isles? Yes.

On the day on which she slept at the Boromean isles, where did she dine? I do not recollect.

Do you remember whether you dined at any inn on the road? think they stopped at an inn at Varise, but I am not perfectly sure.

Had you ever been before at the Boromean isles with the princess? Yes.

Do you remember the apartment in which the princess slept on the first occasion, when she visited the Boromean isles? Yes.

Was that on the journey which the princess made from Lausanne to Milan, upon her first arrival at Milan? Yes.

What apartment was it that was prepared for her royal highness, and in which she slept on the first occasion on which she visited the Boromean isles? The most elegant apartment that could be found in the Boromean isles.

Is that the inn, or is it the palace Boromeo? It is the Boromean palace.

When her royal highness visited the Boromean isles upon the second occasion to sleep, what apartment had been prepared for her? I do not remember the apartment that had been prepared for the princess.

Do you remember in what apartment the princess slept? Yes.

Did you upon the second occasion see the apartment in which the princess slept the first time? Yes.

In what apartment did the princess sleep the second time? In an apartment remote from the former apartment.

Do you know where Pergami slept? Near the apartment of her royal highness.

Was the apartment, in which her royal highness slept at the Boromean

isles, prepared for her before her arrival or afterwards? As far as I can remember, it was prepared after her arrival

What kind of an apartment was it in which her royal highness slept? A large room.

Do you remember whether there was any communication between that apartment and the room in which Pergami slept? I do not recollect.

Do you remember her royal highness going to Bellinzona? Yes,

Did she dine at an inn at Bellinzora? Yes.

Where did Pergami dine? I saw Pergami sitting at table with her royal highness.

At the time that you saw Pergami sitting at the table with her royal highness at Bellinzona, how was he dressed? He was in his courier dress; he was dressed like a courier.

Did he, upon that journey, act as a courier? He was not riding on horse-back, but in the carriage; I do not remember whether he was courier, but he was dressed like a courier.

In what carriage was he riding? In an open carriage.

Was that the carriage in which her royal highness was riding, or a different carriage? It was another carriage.

Did her royal highness dine more than once at Bellinzona upon that journey? I believe not.

Did her royal highness return from that journey to the Villa Villani? Yes.

In what month, as nearly as you can recollect, did her royal highness go from the Villa Villani to the Villa d'Este? As far as I can recollect, the beginning of September.

On the journey to which you have been asked, did her royal highness stop and sleep at Lugano? Yes, upon our return.

Do you recollect the disposition of the apartments, the bed-rooms of her royal highness and of Pergami, at the Villa d'Este, upon your first arrival at the Villa d'Este? Yes.

Describe first of all the situation of the apartment of her royal highness, through what rooms or passages you passed to get to it? One entered into a dark ante-room, and after that into a small corridor or passage, then there were two rooms, and after the two rooms the sleeping-room.

Did the two rooms you have described as being before the bed-room, communicate with each other? They did communicate the one with the other.

Did the second of those rooms communicate with the bed-room? Yes.

Are you to be understood, that in going through the bed-room you passed through those two ante-rooms into the bed-room? Yes.

Describe now the situation of Pergami's bed-room? The sleeping-

room of Pergami communicated with the same dark ante-room which I mentioned before.

By that do you mean the first room which you mentioned? Yes, the first room.

Besides the communication between this dark ante-room and the bed-room of Pergami, was there any other communication between the bed-room of Pergami and any other place? Yes.

With what place? With the sleeping-room of her royal highness.

What was there between the bed-room of her royal highness and the sleeping-room of Pergami? A small, very narrow cabinet.

Did any body sleep in that small cabinet? I never saw any body in it.

When the door that opened upon the dark room you have first mentioned from Pergami's room was closed, could any person get into Pergami's bed-room, except through that cabinet? I never saw any other.

Do you remember whether there was any other way into the bed-room of Pergami, when the door that opened upon the dark room was closed, except through the cabinet? I never saw any other passage.

At what hour did the princess usually go to bed at that time; the first time? Sometimes at eleven o'clock, sometimes at midnight.

Who used to go with the princess to the bed-room? Sometimes, when I was in the bed-room with her royal highness, there was only Pergami besides; sometimes, when I was alone in the princess's bed-room before her royal highness came, Pergami accompanied her royal highness into it.

Through which way did they come? Through the two rooms that I have described.

When Pergami had so accompanied her royal highness into her bed-room, which way did he go, or did he remain there? He did not remain long; sometimes he passed through the two rooms already described, and sometimes through the door of the little passage; the cabinet served as a passage.

To the room of Pergami? The chamber of Pergami.

Did you remain in the room for the purpose of undressing her royal highness? Before her royal highness entered, or afterwards.

Afterwards? Yes; I undressed her every night.

After you had undressed her, which way did you retire? Through the two dark rooms which I mentioned.

Did her royal highness accompany you? Most frequently she did.

When you say that her royal highness accompanied you, how far did she accompany you? As far as the last door.

Was any thing done by her royal highness with that door when you retired? Her royal highness locked it with a key.

Did that ever happen when Pergami was left within, inside? Do you mean in the apartment of her royal highness, or his own apartment.

Did that ever happen either when Pergami was left in the apartment of her royal highness, or when he was left in his own apartment? Not in the apartment of her royal highness, but he was in his own apartment.

Did you attend her royal highness in the morning? Yes.

Did you enter the apartments in the same way in which you had been let out? By the same communication.

Did you ever make any observation in the morning, upon the door of her royal highness's bed-room that opened into the small cabinet, whether it was open or shut? Sometimes I found it half open.

Upon those occasions did you ever see or hear Pergami? No.

Do you understand, that you are now asked as to the first time of the residence in the Villa d'Este? Yes.

Did you ever see Pergami when you went to the princess? I do not recollect.

Did you ever in the morning, before her royal highness was dressed, see Pergami? Yes.

Where have you seen him? At the door of his room, calling his servant.

Have you ever seen her royal highness at the same time? Yes.

Where? At the door of the last room where she called me.

In what state was her royal highness with respect to her dress, when you saw her? She had generally a mantle of silk which she put on in the morning.

Had she any thing else on? No.

What had Pergami on? A blue silk mantle.

Had that mantle belonged to her royal highness? Yes.

How near were they to each other in the situation you are now describing? About twenty paces.

Did any thing pass between them—any conversation, or any thing that you recollect? They spoke to each other.

Were the doors open or shut? They were open.

In giving an account of this, are you speaking of one time only, or of more than once? I saw it several times.

Did you ever see her royal highness and Pergami on the lake during the first residence at the Villa d'Este? Yes.

Alone, or with other people? Alone.

In what kind of vessel, a boat or a canoe? A small canoe.

During the time of her royal highness's residence at the Villa d'Este did you ever see them walking together? Yes.

In what way did you see them walk together; separate or together? Together,—sometimes her royal highness had Pergami's arm.

Do you remember the little Victorine at the Villa d'Este, during the first residence? Yes.

How did she address her royal highness? She called her mamma.

Do you remember that happening before they got to the residence at the Villa d'Este? I do not recollect.

Do you remember whether Pergami dined with her royal highness during her first residence at the Villa d'Este? He generally dined at our table, the servants' table.

Do you remember upon any occasion during the first residence at the Villa d'Este, Pergami dining with her royal highness? Pergami dined once with her royal highness as far as I recollect.

Was that before the voyage to Greece? Yes.

Do you remember, at any time, her royal highness coming into the room, where you were at dinner? Only once.

Was that during dinner-time? Yes.

Was Pergami at table? Yes.

Was Pergami's mother at table? Yes.

What did her royal highness do upon her coming into the room at that time? She sat down at table by Mr. Pergami.

Do you remember at that time seeing Hieronimus? At that moment he was not at our table.

Did you see him, did he come in? He came in afterwards into the room.

Before he came into the room, did her royal highness make any observation, or do any thing? Her royal highness said, "I hear Hieronimus in the kitchen, I must go," and her royal highness left the room almost immediately.

Did you accompany her royal highness upon the voyage to Greece? Yes.

Do you remember arriving at Palermo? Yes.

Was it on board the Leviathan? Yes.

Do you remember being on the deck of the Leviathan early one morning? Yes.

Do you remember afterwards going below? I did not go below after that.

Do you remember seeing her royal highness after that? Yes, I saw her immediately after,

Where did you see her? In her cabin.

Below deck? The cabin was not below.

On the poop? Upon the poop.

Was her royal highness at that time up or in bed? She was in bed.

Do you know whether Pergami had been in the cabin of her royal highness?

Mr. Williams here interposed and said, that was not the way to put the question: why not ask the witness whether she saw Bergami in the room?

The Solicitor-general.—"Does my learned friend mean to contend that she can speak to nothing but what she positively saw? will he not allow her the benefit of her hearing?"

Mr. Williams.—"I shall object to any evidence, except it be a declaration of the princess, or what a witness swears to have seen."

The Solicitor-general.—Did you see Pergami in his bed?—I don't recollect.

Did her royal highness go to court at Palermo? Yes.

Did Pergami go with her? Yes.

Do you know whether he went in the same carriage? I do not know.

Do you remember arriving at Messina? Yes.

Did you reside in Messina, or in the neighbourhood of that place? In the neighbourhood of Messina.

Do you recollect how the bed-rooms of her royal highness and of Pergami, and Countess Oldi, were situated in that house near Messina? Yes.

Describe their situation; what was next to the bed-room occupied by the princess? That of the Countess Oldi.

Was there a door leading from the bed-room of the princess into the bed-room of the Countess Oldi? Yes.

What room was next to the room occupied by the Countess Oldi? That of Mr. Pergami.

Was there a door communicating from the bed-room of the Countess Oldi into the bed-room of Pergami? As far as I can recollect, there was a small passage between the two rooms that communicated.

What room was there next to the room occupied by Pergami, beyond? My own.

Did you at that time assist her royal highness in going to bed, in undressing her? Yes.

In passing from her royal highness's room, did you go through the room of the Countess of Oldi and of Pergami into your own room? Yes.

Upon those occasions, did you ever find Pergami in his room in bed? Yes, sometimes.

Do you remember her royal highness calling you at any time in the morning? Sometimes she called me in the morning.

In what way did she come to call you? Yes, sometimes she did.

To what place, to what door? At the door which was next to Pergami.

Do you mean by next to Pergami, the door that opened from Pergami's room into yours? Yes.

Did the princess open that door? Sometimes the princess, sometimes Pergami.

When the princess opened that door, in what state was she in point of dress? In the same cloak which I have already described.

Had she no other clothes on except her night clothes? No.

Upon those occasions was Pergami in his bed? I never saw him in the morning in bed.

Upon those occasions was he in the room? Sometimes he was, sometimes not.

You have said that Pergami sometimes opened the door; when Pergami opened the door, did you go into the room for the purpose of passing into the bed-room of the princess? Yes.

Did you find the doors between Pergami's room and the room of the princess open or shut? Generally I found them open.

Do you remember at what time her royal highness, at Messina, was in the habit of going to bed; whether earlier or later than she had been before used to? Sometimes earlier, sometimes later.

Did any body usually attend her at Messina, for the purpose of undressing her? Yes.

Every night? She did not call me every night.

When you did not attend for the purpose of undressing her, who did attend? I do not know whether it was my sister that helped.

Did you make any observation upon the conduct of Pergami and the princess towards each other, as to the manner in which the princess addressed Pergami at Messina? Yes.

State what expressions she made use of? Do you mean as to calling him generally?

Either when she called him, or at any other time, or when they were parting? When they parted she often called him, *Mon cœur*, m heart.

Any thing else? Sometimes, *Adieu, mon cher ami*, my dear friend

Do you remember on any occasion his asking to go to Messina Sometimes I heard him ask leave to go to Messina.

Do you recollect what term the princess made use of upon those occasions? When they parted, *Adieu, mon cœur*, or, my heart; *prenez garde*, take care.

Have you heard them do any thing else upon those occasions? I do not precisely recollect.

Did you see or hear them do any thing upon any one of those occasions? I never saw him do any thing, but I observed they sometimes embraced on those occasions.

By embrace, do you mean they kissed each other? Yes; I heard them kiss each other behind me.

Did you go on board the Clorinde from Messina to Syracuse? Yes

An English frigate? Yes.

How was Pergami dressed on board the Clorinde; do you remember; had he any great coat? As far as I can recollect, he had a blue great coat.

Do you remember seeing Pergami at any time in the cabin of her royal highness on board the Clorinde? I remember I saw him once.

Where was her royal highness at that time? In the same cabin.

On her bed, or up? It was in the day-time, but she was lying on her bed.

Where was Pergami in the cabin? He was also on another bed by the side of her royal highness.

Did you remain any length of time in the cabin? Nearly half an hour.

When you say that Pergami was upon the bed in the cabin, was he sitting or lying? He was lying on the bed.

Where did her royal highness lodge at Syracuse; in what house? In a small country house on the other side of the harbour.

Do you remember the disposition of the bed-rooms in that house, her royal highness's bed-room? Yes.

Describe the situation of the bed-room of the Countess of Oldi and of yourself? The Countess Oldi was in the same room with me, which communicated with the dining-room.

Was there any other room besides that dining-room? There was another.

By whom was that occupied? By the gentlemen of the princess's suite.

Was there a room upon the opposite side of the dining-room? Yes, the room of her royal highness.

Was there any private staircase in that room? Not in the room, but by the side of the room.

Where was Pergami's bed-room? Pergami's room was on the same side, above the little staircase.

To the best of your recollection, did any body, except Pergami and her royal highness, sleep on that side of the dining-room? As far as I can recollect, nobody.

Was there any thing between her royal highness's room and the bed-room of Pergami, except the small staircase you have described? I do not recollect.

You have stated that there was a small staircase near the bed-room of her royal highness, and that beyond that was the bed-room of Pergami; do you remember whether there was any thing between her royal highness's bed-room and Pergami's bed-room, except that staircase which you have so described? I do not recollect.

Was there a door leading from her royal highness's bed-room into the dining-room? Yes.

Did you observe her royal highness do any thing with that door at

night? I have heard several times her royal highness lock it with a key after I was gone out.

When that door was locked, as you have described, would there still be a communication up the staircase between the bed-room of her royal highness and that of Pergami? Yes, there was a door in the room of her royal highness.

Was that door on the side of the staircase by the staircase? It was near the little staircase.

Do you remember any accident happening to her royal highness's bed at Syracuse? I do not recollect.

From Syracuse, did her royal highness proceed to Catania? Yes.

Where did her royal highness reside at Catania? In the town.

Do you recollect the disposition of the bed-rooms in the house at Catania? Yes.

Did the same disposition continue during the whole time that her royal highness was at Catania, or was it changed? There was an alteration for a few days only.

Will you describe what was the situation of the bed-room of her royal highness before that change took place? The sleeping-room of her royal highness communicated with the saloon, the drawing-room.

What room was next to the bed-room of her royal highness on the other side? My own.

Next to your room, what room was there? That of the Countess Oldi.

Was there a communication between the bed-room of the princess and the bed-room which you occupied? Yes.

Was there also a communication between the room which you occupied and the room which was occupied by the Countess Oldi? Yes.

Where did Pergami sleep? On the other side of a little yard which was in the interior of the house.

Was there any door between that yard and the bed-room of her royal highness? There was a door in the drawing-room, which went into the little yard.

Was there any door that communicated from the court into Pergami's bed-room? Yes, there was a door.

How long did Pergami continue to sleep in that room? For some time, I do not precisely recollect.

Was he afterwards indisposed, unwell? He was indisposed for some days.

During the time that he was so indisposed, what room did he sleep in? He slept in the room of the Countess Oldi.

At the time when he slept in the room of the Countess Oldi, did you continue to sleep in that room between the room of the Countess Oldi and the room occupied by the princess? Yes.

During that time, did her royal highness go to bed before you? I recollect that one evening the princess went to bed before me, while I was at supper.

Did you see Pergami? No.

When you went up to your bed-room, how was the door between your bed-room and that of the princess, was it open or shut? It was shut.

How was the door between your room and that which was occupied by Pergami on the other side? It was shut likewise.

Did you observe any thing during the night? During that night I made no observation.

Did you observe any thing in the morning? I do not recollect whether it was the morning immediately after, or the morning after that, the next morning, that I saw her royal highness come out of the room of the Countess Oldi.

When she came out of the room of the Countess Oldi, which way did she go? She passed through my room in order to go to her own bed-room.

As nearly as you can recollect, at what time in the morning? At nearly ten o'clock.

Had she any thing in her hand, or nothing? She had a cushion or pillow, or two.

Were those the cushions or pillows on which she usually slept? Yes.

How was she dressed? She was not dressed; she was dressed as she was in the night after I had undressed her.

Mr. Garston.—The expression was, "as she was at night after I had undressed her."

Did her royal highness usually, when she was in bed, sleep in a night-dress? I do not know.

Mr. Garston.—The reply to that question was, "I know nothing about it."

What dress, or what part of her dress did her royal highness usually sleep in, when she went to bed? I left her every night with a little white night-gown.

When you saw her come through the room in the manner you describe, had she on a dress of that description? Yes, it was a little white gown which came in this manner, it reached as far as there, *(across the bosom.)*

Was that the ordinary dress that her royal highness had on when you left her at night, after undressing her? Almost always, but sometimes she had a small cloak of silk.

Mr. Garston.—Not a small cloak, but a cloak of silk.

When you say, that she had a silk cloak, had she a silk cloak in addition to the small bed-gown you have described? Yes.

You have said, that Pergami slept in the room that had been occupied at first by the Countess Oldi, where did the Countess sleep? In a small bed which had been put into her royal highness's room.

Where did the little Victorine sleep? In the same room.

During that night, did you hear the little Victorine? I heard the little Victorine cry.

On what night? That same night.

By that same night, do you mean the night preceding the morning in which you saw her royal highness come through your bed-room? Yes.

Several Peers here expressed a desire that the last few answers given by the witness should be repeated by the short-hand writer from his notes.—P. 280.

The Earl of Liverpool suggested that the short-hand writer would refer to that part of the evidence given by the witness where she spoke of his changing his bed-room. It appeared to him that some questions were necessary to explain, in a clearer point of view, the situation of the apartments of the princess and the Countess of Oldi after this alleged removal of Pergami.

The short-hand writer read the latter part of the witness's evidence, and the Solicitor-general resumed his examination.

You have told us, that Pergami, in consequence of his illness, changed his bed-room, and went into the bed-room of the Countess of Oldi; do you recollect how many days that was before the time of which you are speaking, when you saw the princess come out of that room? I do not exactly recollect the time, but Mr. Pergami was three or four days in the same room.

Mr. Garston.—The witness said, "I do not know how long."

Mr. Pinario.—She repeats, "I do not recollect the time."

You are not asked to speak with precision, but was it one, two, three, or four days? I believe it was not more than one or two.

How long after that morning, as nearly as you can recollect, how many days did he continue to sleep in the room of the Countess Oldi? I do not precisely recollect whether it was one or more; it is so long ago, I do not exactly recollect.

Was he sleeping there at the time of which you are making mention, when her royal highness came out of that room? Yes.

Do you remember, on the night before that of which you have been speaking, hearing the door of your room open? I heard the door of her royal highness open one night I was in bed, but I do not remember

whether it was the night before that I saw her royal highness come out as I mentioned.

At the time when you heard the door open when you were in bed, was Pergami sleeping in the room before occupied by the Countess Oldi? He occupied the same room.

(The witness gave her answer in French to this question before it was interpreted to her.)

At the time when her royal highness came out of the room as you have described with the pillows, did her royal highness see you? Her royal highness looked at me.

When her royal highness looked at you, what did her royal highness do? She fixed her eyes upon me; she looked at me earnestly.

What did she do? She went on to her own room.

Did she say any thing? No.

Had you been in the habit of remaining as late as ten o'clock in the morning in that room? No, I generally went to breakfast at nine o'clock.

During the time that Pergami was sleeping in that room of the Countess of Oldi, before you went to breakfast at nine o'clock usually, had either the door of the princess's room or the door of Pergami's room been opened? I never saw them opened.

During the time that Pergami slept in that room, had you ever been called to dress or to attend upon her royal highness before you went to breakfast at nine o'clock? No.

When you returned from breakfast, how did you find the doors? Shut, but sometimes her royal highness was up.

Was her royal highness in her own room? Yes.

You were describing something that passed in the adjoining room in which were the Countess of Oldi and Victorine, describe all which you heard during that night in that room? I heard Victorine weep, calling mamma, and the Countess Oldi endeavouring to soothe her.

At the time when her royal highness came through your room in the manner you have described, were you alone in that bed? I was up.

Was any other person in the room. As far as I can recollect, my sister was in the same room with me?

Do you recollect whether your sister was up or in bed? My sister was up.

When her royal highness first saw you in the morning, was she in the habit of saying any thing to you; how did she address you? She generally said to me, "good morning."

When you saw her upon that occasion, did she say any thing either to you or to your sister? She said nothing to me at all.

While her royal highness was at Catania, was her picture painted by any person? Yes.

Do you remember the name of the artist by whom the picture was painted? No.

Do you know in what character she was painted? As the princess was also painted at Augusta, I do not exactly recollect how she was painted at Catania.

As you have spoken of Augusta, and the painting there, do you recollect in what character she was painted there? Yes.

In what character? As a Turkish woman.

Did you ever see any other picture painted of her royal highness upon that voyage, besides the one you have mentioned at Augusta? I have seen another portrait.

What was that other portrait, in what character? As a penitent Magdalen.

Do you remember in what place in Sicily? At Augusta.

How much of the person of her royal highness did that picture represent; the head, or more than the head? As far as the waist.

How was the upper part of the person, covered or uncovered, in the picture? Uncovered.

How was the breast, was that covered or uncovered? Uncovered.

Mr. Garston stated that the other interpreter had used the word "gorge" in putting the question, and that that means the neck rather than the bosom; that it is sometimes used to imply it, but not generally.

You have described that a part of the person was uncovered, how low did the part that was uncovered extend? As far as here. *(Passing her hand across her breasts.)*

Were the breasts covered or uncovered? It was uncovered as far as here, about the middle of it.

Besides the two pictures you have described of her royal highness, was there any other picture painted of her royal highness whilst she was in Sicily? Another portrait was taken.

Where was that portrait taken, at what place, as far as you can recollect? I do not know whether it was at Catania or Augusta.

In what character was that third portrait? In a common dress, as her royal highness used to dress.

This portrait of her royal highness in the character of a Magdalen, did you ever see that portrait in the possession of any person? Pergami shewed it me one day at Augusta.

With respect to the second portrait, of which you have made men-

tion, of her royal highness in a Turkish character, did you ever see that portrait afterwards in the possession of any one? No.

Do you know whether the portrait of Pergami was taken? Yes.

Did you see at Naples any portrait of Pergami? Yes.

In whose possession did you see that portrait of Pergami at Naples? Is it at Naples I am asked to.

Yes, the question refers to the time at Naples? In nobody's possession.

Where was it you saw it? Pergami shewed it to me.

You have stated that Pergami's portrait was painted in Sicily, in what character? In a common dress.

Was there more than one picture of Pergami painted in Sicily? Yes.

In what character was the second? As a Turk.

How was the dress arranged about the upper part of the person, was it open or closed? According to the Turkish custom, it was open as far as here, *(the upper part of the chest.)*

Were there more than those two portraits of which you have been speaking painted in Sicily? There have been more.

Did you ever see any of those portraits in the possession of any other person? I have seen a portrait of her royal highness in the possession of the Countess Oldi.

You have told us you have seen different portraits of Pergami painted; did you ever see any of those portraits in the possession of any person? I saw one of them once in a little box belonging to her royal highness.

Which of those pictures you have described was it? That in the Turkish character.

Do you know whether her royal highness assisted at all in adjusting the dress, for the purpose of either of those portraits being taken? Her royal highness made up the turban of Mr. Pergami.

Did she do any thing else to any other part of the dress? I do not recollect.

Did her royal highness ever say any thing to you about the dress, or the manner in which he looked best? I do not recollect.

Did Pergami receive any title at Catania? He was made a knight of Malta.

Did he receive any other title either at Catania or at Augusta? At Augusta he was Baron de la Franchini.

How long did her royal highness remain in the whole at Catania? Nearly one month.

Do you remember on her arrival at Augusta, the house in which her royal highness resided? Yes.

Do you remember, in that house the disposition of the bed-rooms of her royal highness and Pergami? Yes.

Describe them? They were separated by a small yard, a passage, and a little room in which nobody resided.

Did that continue during the whole time that her royal highness was at Augusta, or was that afterwards changed? There was a change.

When that change took place, where was the bed-room of Pergami? Pergami's sleeping-room was near to that of her royal highness.

Was there any communication between the bed-room of Pergami and the bed-room of her royal highness? Yes, there was a door.

Did that door lead immediately from the one room into the other? Yes.

Where was the bed-room which was occupied by you? By the side of that of Mr. Pergami.

Was there a door leading from the bed-room of Pergami into your room? Yes.

What was done with that door at night? It was always shut at night.

When you say it was always shut at night, what do you mean, was it merely shut or locked? I heard Pergami sometimes try whether it was locked.

Describe more particularly what you have said just now, what you saw Mr. Pergami do? Mr. Pergami was in his room, and was trying to find if the door was locked with a key.

At Augusta did you assist her royal highness in undressing? Yes.

After you had retired to your room, and after you had so assisted her royal highness to undress, did you hear any thing in the room of Pergami? I sometimes heard a whispering in the room of Mr. Pergami.

Who was it that you heard whispering in the room of Mr. Pergami? I cannot precisely say, because I merely heard a whispering.

Where did her royal highness breakfast at Augusta? I do not recollect.

Do you recollect where Pergami breakfasted? I do not recollect, but I saw once a breakfast-tray in the room of Mr. Pergami.

In answer to the question put, you stated you had seen her royal highness arrange the turban for the picture; did you ever see the princess arrange, or do any thing to any other part of the dress of Pergami for any of the other pictures? Yes.

State what that was? Her royal highness arranged the neck of his shirt, opening it.

Did her royal highness say any thing; what observation did she make? Her royal highness said she liked it better so, or him better so.

Have the goodness to repeat the words which her royal highness made use of, as if you were speaking them? When the shirt was opened, she said, "I like either him, or it better so."

Interpreter.—The words of the witness are, "Je l'aime mieux comme ca"

Mr. Garston.—She was speaking in the presence of Pergami, and consequently it seems, therefore, that it applied rather to the position of the shirt than to the person.

Did you go on board the polacca, the Industry, at Augusta? Yes.

Do you remember where Pergami slept in the early part of the voyage the first day or two? As far as I can recollect, in a small cabin near the eating-cabin.

(A chair was here given to the witness.)

Was the sleeping-place of Pergami afterwards changed? Yes.

Where did he sleep afterwards? In the dining-cabin.

How many doors were there leading into that dining-cabin? There were two doors.

Were they both open, or was one of them closed? One of them was open, and the other closed or shut.

Was the door which was open, on the side on which Pergami slept, or on the opposite side? As far as I recollect, it was on the other side.

Where did you yourself sleep? By the side of the door which was open.

How long did Pergami continue to sleep in the dining-room? As far as I can recollect as far as Jaffa.

Did any body sleep in the dining-room besides Pergami? I never saw but one bed in the dining-cabin.

Where did her royal highness sleep? In a cabin near the place where Pergami's bed was.

Where did the Countess Oldi sleep? In a cabin on the other side.

Was the cabin in which the Countess of Oldi slept, the cabin that communicated with the dining-room? Yes.

Were those three persons the only three that slept there? Yes.

Was the door of the dining-room shut, or open, at night? It was shut.

By shut, do you mean merely closed, or locked? I merely saw it shut; I cannot say whether it was locked with a key.

Did you ever go into the dining-room when Pergami was in bed? Yes.

Did you ever see her royal highness in bed at the same time? Yes.

Was the door, opening from her royal highness's cabin into the dining-room, open or shut? Sometimes it was open, sometimes it was shut.

Did you ever see it open when Pergami was in bed, and when her royal highness was also in bed? Yes.

At the time when it was so open, and when they were both in bed, can you state any thing which passed between them, whether they conversed together, or how? I saw them twice speaking together.

Did you land with her royal highness at Tunis? Yes.

Where did her royal highness lodge at Tunis, and where did she reside? At first in the British consul's house at Tunis, afterwards in a palace belonging to the Bey of Tunis.

Do you remember the situation of the apartments, the bed-rooms of her royal highness and Pergami, in the palace of the Bey at Tunis? Yes.

Describe them? They were separated by a room, which was occupied by nobody, and a small cabinet, or passage.

Do you know whether any other persons of the suite slept near that place? The Countess Oldi, my sister, and myself.

Did the room in which your sister and yourself slept open into that room in which there was nobody? Yes.

Did any other room, except yours and that of the Countess of Oldi, and the other two you have mentioned, open into that room? No.

Was there any other door leading from that room you have described in which no person slept? I saw none at all.

Was there any door which was closed at night in that room? Yes.

Which door was that? The door which led into the yard, into an inner yard, which was in the house.

When that door was shut, could any other persons have access to that room, or to the sleeping apartments? I do not know.

Do you remember going to Utica? Yes.

Where did you reside at Utica? In a small country house.

Do you know the situation of the apartments of her royal highness and of Pergami at Utica? I do not know at Utica where Mr. Pergami slept.

Do you know at Tunis where Pergami slept? Yes.

Where did he sleep at Tunis? In a room which was near to ours.

Did you at any time at Tunis, in the morning, before her royal highness had left her bed-room, see Pergami? I do not recollect.

Do you state that you do not know where Pergami slept at Utica? I do not know where he slept at Utica.

Did you in the morning at Utica, before her royal highness had left her bed-room, see Pergami? Yes.

Was it before her royal highness was out of bed or not? Before her royal highness was up.

What did you see Pergami do? Pergami passed through our room and went into her royal highness's room.

How long did he remain there? I do not recollect.

Did you afterwards go into the room? I only went to the threshold of the door; her royal highness asked me for something.

Did you see whether her royal highness was still in bed? I saw that her royal highness was still in bed.

Was Pergami still in the room? Pergami was in the room.

After her royal highness had spoken to you, what did you do; did you go into the room, or did you retire? I withdrew.

Do you remember going, while you were at Tunis, to a place called Zavouan? Yes.

Do you know in what room her royal highness slept at Zavouan? Yes.

Do you know what room was appropriated for the bed-room of Pergami? I do not recollect.

Do you know where the Countess Oldi slept? In the same room where I slept.

What room was there adjoining to the bed-room of her royal highness? The room in which her royal highness dined.

Did you see the bed of her royal highness in the morning? Yes.

Did it appear as if one person only had slept in it, or more than one? It seemed to be much in disorder.

Can you say, according to your judgment, looking at the bed, whether one or two persons had slept in it? I cannot say that two persons had slept in the bed, but it rather appeared to me that two persons had slept in it rather than one.

Why so? I have already told you because it seemed in grea disorder.

Did you embark at Tunis again, for the purpose of prosecuting your voyage? Yes.

You went to Constantinople, and afterwards, in the course of your voyage, did you get to Saint Jean d'Acre? Yes.

Did you go to Jerusalem? Yes.

Where did you land for the purpose of going to Jerusalem? At St. Jean d'Acre.

Do you remember being at a place called Aum? Yes.

How many did your party, as nearly as you can recollect, consist of; you and your attendants at Aum? I cannot say precisely.

Did you sleep in any house at Aum, or did you encamp? We slept under tents.

Did her royal highness sleep under a tent? Yes.

Describe that tent; was it a single tent or a double tent? As far as I can recollect, it was double.

Was there any bed or bedstead placed under that tent? There were two small beds in this tent.

Did you go to the tent for the purpose of assisting in undressing her royal highness? Yes.

Was she undressed as usual? Yes.

Did you leave her undressed in bed, or up? I left her undressed, and she was lying on her bed.

Where was Pergami? Under the same tent.

How was he, dressed or undressed, or partly undressed? He was dressed, but he had no coat on.

When you retired, did you leave them both there? Yes.

At what time in the evening did you pursue your journey? Nearly at six o'clock.

Did you see the other gentlemen of the suite come out of their tents? Yes.

Did you see Pergami come out of a tent? No.

Where did you see Pergami? During the day do you mean.

Where did you see Pergami in that evening, about the time when you were preparing to continue your journey? I saw Pergami near the tent of her royal highness.

Was he dressed, or how? As he had been dressed in the morning without his coat.

When you say you saw him near the tent of her royal highness, where did you see him first, did you see him come out of any place? I saw him near the tent of her royal highness, but I do not recollect whether he had come out of any place.

You have stated, that you left her royal highness in the morning, when she retired to rest upon the bed in the tent, and that you left Pergami there also; were the sides of the tent put down at that time, or were they not put down? As far as I can recollect, it was shut on all sides.

Did you assist her royal highness in dressing in the evening before she commenced her journey? I do not recollect*.

Did you again in the course of that journey, before you arrived at Jerusalem, sleep in tents? Yes.

Did her royal highness sleep under the same tent as before? Yes.

Mr. Denman here objected to the mode in which the questions were interpreted, the interpreter being in the habit of changing the preter into the preterperfect tense.

Were there two beds under the tent the second time? Yes.

Did you undress her royal highness the second time? As far as I can recollect, I think it was my sister that undressed her. Do you remember where her royal highness resided when she was at Jerusalem? Yes.

Where was it? In a house which belonged to a convent, as far as I recollect.

Do you remember the situation of the bed-rooms of her royal highness, and Pergami, and the Countess of Oldi, in that house? Yes.

State how they were situate? They were on the same gallery, all the three.

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* We have it,—"Yes."

By being in the same gallery, do you mean that the doors of the respective rooms opened into that gallery? Yes.

Were there any other rooms of the suite that opened into that gallery? As far as I can recollect, there was no other.

Do you remember, whether there was any door at the end of the gallery? There was a door to go down.

Do you know whether that door was closed? I do not recollect.

Do you remember, any day during the time you were at Jerusalem, seeing Pergami in the bed-room of her royal highness? Yes.

Where was he in the bed-room of her royal highness? He entered the room of her royal highness as I was there, and threw himself on the bed in a ludicrous way, or jesting way.

Was her royal highness in the room at the time? Yes.

Did he remain on the bed? Not long.

During the day-time, while you were at Jerusalem, did you see her royal highness and Pergami in the gallery you have described? I sometimes saw her in the morning in the gallery.

Was Pergami there? Yes.

What were they doing? They spoke together.

Can you describe what you saw them doing there, during the time they were at Jerusalem, in the gallery? I recollect nothing, but seeing them talk together.

At the time you saw them in the gallery, how was her royal highness dressed? With her morning cloak.

Had she any other part of her dress on? She had the same dress on as I have already said that she had, when she was going to bed.

You have stated, that Pergami slept in the dining-room on board the vessel, and that her royal highness slept in her cabin, until they arrived at Jaffa; where did her royal highness sleep afterwards, on board the ship? On the deck.

Was there any tent on the deck? Yes.

Was there any bed under the tent? There were two small beds.

Did her royal highness sleep in one of those beds? Yes.

Did you assist in undressing her? No.

Who did? I do not know.

Did any body sleep in the other bed? Mr. Pergami.

Did that continue during the whole voyage from Jaffa to Italy? Yes.

While her royal highness slept in the cabin near the dining-room, where did the little Victorine sleep? I do not know whether she slept in the cabin of her royal highness, or in that of the Countess Oldi.

After her royal highness went to sleep on the deck, who slept in the cabin which had been before occupied by her royal highness? The little Victorine, and my sister, and I, by turns, to take care of the little one.

What became of the bed that had been occupied by Pergami in the dining-room? I do not recollect.

Do you recollect her royal highness bathing on board the vessel? Yes.

Did she bathe more than once? I only recollect her bathing twice *.

Who went with her? Mr. Pergami.

Did they both come up together afterwards, or did Mr. Pergami come up first? Mr. Pergami came to call me on the deck, to go and dress her royal highness.

At the time when you were so called by Pergami to go and dress her royal highness, how long had they been together? Nearly three quarters of an hour.

Who assisted in getting the water for that bath? I saw Theodore Majocchi by the side of the door with a pail of water in his hand.

Have you ever seen her royal highness and Pergami under that tent on board the vessel in the day-time? Yes.

Once, or often? Often.

How did her royal highness employ herself on board the vessel? She worked often for little Victorine.

Do you remember her ever working for any body else? I do not recollect.

(The witness here asked leave to retire, which was granted.)

You have mentioned that when her royal highness went down to the bath, Pergami came up to desire you to dress her; when you went down, in what state did you find her royal highness? She was in her own cabin, standing.

Had she any clothes on? The same dress that I said she had in the evening, when I undressed her.

That was her bed-gown? It was her bed-gown.

Did you assist then in dressing her? Yes.

You have been asked how her royal highness employed herself on board the vessel; state how you saw Pergami employed? He was almost the whole day lying down on his bed.

When you talk of his being the whole day lying on his bed, what bed do you mean, after you left Jaffa? A little bed which was on deck under the tent.

When you saw him first in the morning, what dress had he on? He had a kind of Greek gown with wide sleeves.

Did you ever see him do any thing to amuse her royal highness? Yes, sometimes.

Describe it, state what you mean? Different tricks or jokes; once

* We have it—"I only recollect *once*."

I saw him take a cushion and put it under his gown and walk about the deck.

When you say he put this cushion under his gown, do you mean that he put it in front? Yes.

Did you observe what her royal highness did? She laughed.

Do you remember any shirts being made on board, or any thing about any shirts? As far as I can recollect, the Countess Oldi made shirts for Mr. Pergami.

Do you remember the princess doing any thing? She often was at work.

Did she do or say any thing about those shirts? She said that she would make them herself.

What passed upon that occasion; state the whole conversation as nearly as you can recollect? Her royal highness said to Pergami that she wished to make those shirts herself.

Did you or any other person in your presence, say any thing to her royal highness on the subject? Pergami said he wanted to have some shirts made, her royal highness said she would make them herself.

What did Pergami reply to that? He smiled only.

Are those the shirts that were in fact made by the Countess Oldi? I do not know whether they are the same shirts, but the Countess Oldi made some shirts on board.

Did Pergami ever give any thing to you to mend on board the vessel? Sometimes?

Do you remember any thing passing upon that occasion? I do not recollect.

What was it that he gave you to mend? I cannot recollect at at present.

Where did you land yourself in Italy? Near Terracina at Campo d'Anza.

Did you return to the Villa d'Este? Yes.

Upon your return to the Villa d'Este, or shortly afterwards, was any change made in the situation of the bed-room of her royal highness? Yes, some time afterwards.

Before going particularly into that, was there any order conferred upon Pergami at Jerusalem? Yes.

What order? The order which is called the order of St. Sepulchre, the order of the Holy Sepulchre.

Was there any other order instituted at Jerusalem? The order of St. Caroline was instituted, but I do not recollect exactly whether it was at Jerusalem or on board the vessel.

Was that order, or any situation or rank in that order, conferred upon Pergami by her royal highness? Mr. Pergami was to be the grand master of this order.

Was he in fact appointed grand master of the order? Yes.

Did he afterwards wear the decoration of the order? Yes.

You were stating that after your return to the Villa d'Este a change was made in the situation of the bed-room of her royal highness, how long was that after your return? Nearly three weeks after, as far as I can recollect.

Do you recollect the new situation of the bed-room of her royal highness? Yes.

Had it an interior communication with the bed-room of Pergami? Yes.

How did her new bed-room communicate with the rest of the house, was there any corridor or passage? There was a corridor which communicated with the rest of the house.

Was there any door at the extremity of that corridor? Nearly at the middle of this corridor there was a door.

Was that door open or shut at night? It was shut at night.

In consequence of this new disposition of the apartments, was any alteration made in the wall of the intermediate room? I saw masons at work in order to make an opening in the wall in a room near that of her royal highness, for the purpose of opening a door.

In passing from the bed-room of her royal highness into the bed-room occupied by Pergami, did you go through that room, and through that opening that had been so made? Yes.

Do you remember, upon your return to the Villa d'Este, whether any new table was formed, any dining-table for the relations of Pergami? Yes.

Mr. Brougham objected to this mode of putting the question. It was, in effect, putting a leading question, and might perhaps be resorted to in a more grave part of the case. The Solicitor-general did not ask, "Do you know so and so, or how did you do so and so?" and he got over the difficulty of asking a direct leading question by inquiring, "Did you ever say so and so, to A or B?" The misfortune of this was that he could not take his objection until after the question was asked, and a certain impression made.

The Solicitor-general contended, that, so long as he did not ask a leading question, he had a right to pursue the line of examination that was objected to. He did not mean to say that putting the question in that way would not have the effect of a leading question; but, so long as he did not put a leading question, he had a right to proceed.

Mr. Williams said, her majesty's counsel were placed in a very awkward situation, since they were compelled, over and over again, to make objections, even where the questions were not important; but it certainly was a very critical point for them to know precisely the line between what might and what might not be received in evidence: since, otherwise, that which was overlooked on trifling points might be insisted on when the matter was of great moment.

Who dined at this table? The mother of Mr. Pergami, his sister Faustina, his brother Louis, and one of his cousins.

What was the name of that cousin, do you recollect? He was called Pergami.

Did he hold any, and if so, what office? He was accountant.

What situation did Louis Pergami at that time hold? At our return he was made prefect of the palace.

Was Faustina a married woman? Yes.

Where was her husband? In the house with her.

You have stated before, that the mother of Pergami was called "'Nonna," how was she called after your return from Greece? Donna Livia.

Do you remember the theatre at the Villa d'Este? Yes.

Did you ever see Louis Pergami act any thing upon that theatre? Yes.

Did you ever see him play any thing upon that theatre with her royal highness? Yes, he once dressed like an harlequin, and her royal highness dressed like Columbine.

When Pergami first came into the service of her royal highness, or shortly afterwards, did he wear any ear-rings? Yes.

Did he continue to wear those ear-rings, or were they afterwards changed for others? He changed them for others.

What became of the ear-rings he wore at first, that he had so changed? I saw them afterwards in the ears of her royal highness.

Do you remember whether the little Victorine had any ear-rings? Yes.

Did she continue to wear those ear-rings, or were others given to her? They were changed at the Villa d'Este.

What was done with the ear-rings which the little Victorine wore, and which were changed? I saw them also afterwards on the ears of her royal highness.

When you saw them afterwards on the ears of her royal highness, was it at the same time that you saw the other ear-rings worn by her royal highness? Yes

Were they united together, or separate, or how; describe the manner in which they were worn? She had two upon each ear, but separate; one of each pair upon each ear.

Describe how they were put into the ear; were they both put into the ear separately, or was one put into the ear hung upon the other? They were both in the same opening or hole.

Do you remember any presents that Pergami at any time received from any person? Sometimes presents from her royal highness.

What kind of presents were they? Some things in gold or diamonds, but which I cannot well describe.

Do you remember the kind of cap that Pergami wore as courier, when he first went to Naples? Yes.

Do you remember seeing any cap of the same shape and form worn by any body? I saw a cap of red silk, of the same make, on the head of her royal highness.

When was that, at what place? It was made at Naples.

Do you remember any black silk cravat worn by Pergami? He generally wore in the morning a black silk cravat.

Do you remember ever seeing that black silk cravat anywhere else? In her royal highness's room.

Have you seen that once, or more than once, or several times? Several times.

Do you remember observing the slippers of Pergami? I know once he had white slippers.

Did you ever see those white slippers anywhere? Sometimes in her royal highness's room.

A Peer.—What room? In the sleeping-room, the bed-room.

Do you ever remember seeing any thing else, any part of the dress of Pergami, in the bed-room? I do not recollect.

Do you remember the second night that you slept under tents in going to Jerusalem, at Bagosa, seeing any articles of dress in the tent under which her royal highness slept? I saw something belonging to Pergami, but I cannot recollect of what description it was.

When you say you saw something belonging to Pergami, do you mean by that, any part of the dress of Pergami or not? Yes.

Do you remember the residence of Count Pino? Yes.

Did her royal highness ever go to pay a visit to Count Pino before she went into Greece? Yes.

Did you sleep near or far from the princess at the house of Count Pino? Near the princess.

Was there any door opening from your room into the bed-room of her royal highness? Yes.

Did Pergami come into your room during that night? When I had lain down, I saw Pergami passing through my room.

When you say you saw him passing through your room, where did he go to? He was going towards the room of her royal highness.

Was there any light in your room? A little night-lamp.

Did you see him come out again? I fell asleep, and did not see him come out.

Do you recollect how long, or about how long, that was before you went on your voyage to Greece? It was not very long before, nearly three weeks.

Do you know the place called La Barona? Yes.

To whom does it belong? To Mr. Pergami.

Do you know what it consists of? A house and an estate.

How do they call the house? Villa Pergami.

Besides the house which you call Villa Pergami, is there any other house upon the domain? A farmer's house.

During the time that you were at the Villa d'Este the second time, after the return from Greece, did her royal highness go to the Villa Pergami? Yes.

Did you accompany her? Yes.

Do you remember the situation of the bed-rooms of her royal highness and Pergami at the Barona? Yes.

Describe them? They were separated by a passage, where there was a stair-case going down a small green cabinet, and the bed-room of her royal highness was by the side of it.

Where did that staircase lead to? The staircase led down stairs, in order to go out of the house.

Was there any corridor or passage? Yes, there was a corridor.

Was there any door in that corridor? Yes.

Was that door in the corridor shut or open at night? It was shut during the night.

Could any person, when that door was shut, get into the rooms of her royal highness and of Pergami? No, unless they passed by that passage up the staircase which I have alluded to.

Must they go down stairs, and then come up for that purpose? It was necessary to go down, and then come up on the other side.

Did the other doors of the bed-rooms of the suite open into the same corridor? There were four other doors which opened on this corridor.

Were they on the same side of the door which shut on the corridor, or not? The four doors were in this line, and the door of the corridor was in this direction, *(describing it.)*

When that door upon the corridor was shut, did it shut out the communication between the princess's room and these four rooms you have described? Yes, when the door was shut.

How long did you continue at the Barona at that time? The first time we only remained there two or three days.

Did you afterwards return there? Yes.

How long did you remain there then? Nearly two months.

Were Pergami and her royal highness there during the whole of that time? No.

Where did they go to? To Germany.

How long did they remain there before they went to Germany? Nearly one month.

Did you make any observations upon the conduct of her royal highness and Pergami during that month, how they conducted themselves towards each other? I made no particular observation.

How did they address each other? The princess often said "thou" (toi), to Mr. Pergami, and Mr. Pergami addressing the princess, merely said "Princess."

Do you know what the French mean by "tutoyé?" Yes.

What do they mean? To use the second person in the singular to each other.

You say, that Pergami addressed her by the name of princess, how did the other persons in the suite address her? When she was addressed, she was commonly called, "Your royal highness."

Did you observe, while you were at the Barona, Pergami doing any thing to her royal highness? I do not recollect.

Do you recollect any balls at the Barona? Yes.

Who attended those balls? People of a low condition.

Did you ever hear her royal highness and Pergami speak about the conduct of the persons at the balls? Yes.

Did you yourself make any observations upon the conduct of the persons at the balls? Yes.

State what you saw of the conduct of the persons at the ball, which was also seen in the presence of her royal highness? In the presence of her royal highness I saw nothing particular.

Did you ever hear Pergami tell her royal highness any thing as to the conduct of any of the parties? Yes, once.

What was it? Mr. Pergami related a history or story which had happened in the house *.

During the time that you were residing at the Barona did you go to Turin? Yes.

How long did you remain at Turin? Some days.

In the course of your former examination you stated a journey to Venice; was that before you went into Greece? We were twice at

* The evidence here became of so gross a nature, that, not being completed, it was ordered to be struck out.

Venice; the first time before we went to Greece, and a second time before we went to Germany.

When you were first at Venice, at what inn were you? As far I recollect, it was at the Grande Bretagne.

Did you continue to reside in the hotel la Grande Bretagne, or did her royal highness remove to another house? She removed to another house near the inn.

How long had she continued, as nearly as you can recollect, at the hotel la Grande Bretagne before she went to the other house? I believe it was only two days.

You mentioned that Mr. William Burrell and Dr. Holland were on that journey to Venice when the princess removed from the hotel la Grande Bretagne to a private house; did Dr. Holland and Mr. Burrell remain at the inn, or did they go to the private house? At far as I can recollect, Dr. Holland and Mr. Burrell remained at the inn.

You mentioned that while you were residing at the Barona you took a journey into the Tyrol; to what place did you first go? Do you mean, to remain there.

Did you take a journey into the Tyrol and into Germany? Yes.

Do you remember arriving at a place called Scharnitz? Yes.

Do you remember when you were at Scharnitz, Pergami being sent to any place about passports? I recollect Pergami went to Inspruck in order to obtain passports.

Do you recollect at what time of the day it was that Pergami set out to go from Scharnitz to Inspruck? I do not precisely recollect, but I believe it was in the morning.

Do you recollect the room that her royal highness slept in, and what arrangement was made for sleeping that night at Scharnitz? Yes.

Who went to bed in that room besides her royal highness; did any body? Myself.

At what time did you go to bed? Nearly ten o'clock.

At what time did her royal highness go to bed? At the same hour.

In the same room? In the same room.

Did Pergami return from Inspruck that night? Yes.

As well as you can recollect how long after you were in bed? I do not recollect precisely, because I had already fallen asleep.

Did you sleep in the same bed with the princess, or in another bed? In a small bed which was laid on the floor.

Upon the arrival of Pergami, did you receive any orders from her royal highness; did she tell you what you were to do? Her royal highness told me that I might take my bed and go.

Had you seen Pergami before those directions were given you? Yes, I saw Mr. Pergami the moment those orders were given to me.

Where did you see him? In the room of her royal highness.

In the bed-room? In the bed-room.

Did you in consequence of those orders go away for that night? I left the room the same moment.

When you went away, did you leave Pergami in the room, or was he gone? I cannot exactly say whether Mr. Pergami was still in the room when I left it, but I think he was.

If you cannot tell with perfect accuracy, can you tell about how long it was after you had been in bed when Pergami arrived; was it one, two, or three hours, or how long? It was nearly two hours, or two hours and a half.

Do you remember going with her royal highness to Carlsruhe? Yes.

Do you remember the disposition of the rooms of her royal highness and Pergami at Carlsruhe? Yes.

State how it was? They were separated by the eating-room.

Who made the princess's bed? I do not know whether it was my sister or some other person.

Whose business was it to make the bed of Pergami? I do not know whether it was a servant, but I know there was a woman in the inn whose business it was to make the beds all over the inn.

While you were upon your visit at Carlsruhe, did you go to the baths of Baden? Yes.

Did her royal highness sleep there one night? Yes.

Do you remember the situation of her bed-room with reference to Pergami's? No, I do not recollect.

Do you remember, at any time before you went to bed, going into the princess's room at the baths of Baden? Yes.

Was there any sofa in that room? I do not know whether that was a sofa, or some chairs near each other, but it rather appeared to me it was a sofa.

When you went into the bed-room of the princess in the evening, did you see the princess there? Yes.

Was she alone, or was any person with her? It was Mr. Pergami; it was not very late; it was in the twilight, between day and night.

Was the princess standing or sitting? She was sitting.

Where was Pergami? Sitting by the side of her.

Did you observe the hand or the arm of Pergami, where it was? Pergami's arm was passed round behind her royal highness.

When you say behind her royal highness, describe particularly what you mean—behind what part? It was passed behind her waist.

Where did the hand come? The hand came out round her waist on the other side.

How was her royal highness sitting; where was her head? Her head was leaning against Pergami's arm.

Did you go from Baden to Vienna? Yes.

How long did you stay at Vienna? Three or four days.

Do you know whether her royal highness went to court at Vienna? No.

What do you mean by "no;" that you do not know, or that she did not go to court? I mean, that she did not go to court.

Did you go from Vienna to Trieste? Yes.

How did her royal highness travel upon that journey from Vienna to Trieste, in what kind of carriage? In a small, very low open carriage.

Who travelled with her in that carriage? Mr. Pergami.

Did any body else travel with her? No one but Mr. Pergami, I saw no one else.

Did she go at the same time with her suite, or did they follow her after an interval? Her royal highness arrived at Trieste before her suite.

Did you go on from Trieste to Milan? Yes.

And to the Barona? Yes.

Did her royal highness travel in the same way? I believe her royal highness was in the same carriage, because she was always before us.

After your return to the Barona the second time, where did Pergami's mother dine? At her royal highness's table.

Where did Louis Pergami dine? As far as I can recollect, also at her royal highness's table.

Did you afterwards go from the Barona to Rome? Yes.

Did you pass by Rimini? Yes.

Did you stop at Rimini? Yes, one night or two; I do not know which.

Was her royal highness well, or indisposed, at Rimini? She was indisposed.

Did you attend her, or who did attend her? I attended her a part of the evening.

Do you know who attended her the other time? The remainder of the evening, I do not recollect.

Was she indisposed upon the road before she came to Rimini? Yes.

At what place? At a small village, the name of which I do not know.

Did you attend her? No.

Who remained with her? The Countess Oldi and Pergami alighted from the carriage, and I remained in another carriage.

How long did her royal highness remain in that place? Nearly one hour.

Did you go into the room at all? Not at all.

When you arrived at Rome, where did you first reside? At an inn.

What inn was it? The inn the Europa.

Did you afterwards go to a house called Ruffinelli? Yes.

Do you know the relative situations of the bed-rooms of her royal highness and Pergami at Ruffinelli? Yes.

Describe them; did they communicate with each other? They were near each other, and they communicated internally one with another.

Do you remember ever having seen Pergami in his bed there? Once.

Where was the princess? I do not know.

Was he confined to his bed by illness? Yes.

How long did that continue? A few days.

Did you ever see her royal highness go into or come out of the room during that time? Yes.

Once or more than once? More than once.

Where did you go to from Ruffinelli? To the Villa Brandi near Rome.

During any part of this journey to Rome, did you travel in the same carriage with her royal highness? Yes.

Who was in the carriage besides her royal highness and you? Mr. Pergami.

How did you sit, in what way? Mr. Pergami sat between us.

Did you take any notice of his arms or hands, how they were? I do not recollect.

Do you recollect any thing particular that passed in the carriage between Pergami and her royal highness? I recollect nothing particular.

Do you remember at the Villa Brandi any bust being taken of her royal highness, any sculpture? Yes.

By whose order was that? I do not know.

Was a bust taken of any body else? That of Mr. Pergami.

Did you see her royal highness and Pergami sit for those busts? Yes.

Do you know where they were afterwards placed? No.

Was this at the Villa Brandi, or before you got to the Villa Brandi, or afterwards? At the Villa Brandi.

Do you know at the Villa Brandi what was the situation of the bed-rooms of her royal highness and of Pergami? Yes.

Describe how they were? Pergami's room was situated in an open gallery, and the entrance into her royal highness's apartment was in the same gallery.

How far from each other? About fifteen paces.

Did you ever see her royal highness in the evening come out of her bed-room, after you had undressed her? I do not recollect.

In what room did her royal highness dress and make her toilet? In her bed-room.

Do you remember ever seeing Pergami present upon those occasions? Yes, I saw him sometimes.

Do you remember some persons coming to dinner before her royal highness was dressed one day? Yes.

Which room did they go into? Into the first room.

Where was Pergami at that time? In her royal highness's bed-room.

Were you there also? Yes.

Did her royal highness change her dress before she went to the company? Yes.

Did she change it entirely? I do not recollect.

Where was Pergami during the time when she was changing her dress? Part of the time he was in the room.

How long did you continue at the Villa Brandi? Nearly two months.

Where did you go to from the Villa Brandi? To Sinigaglia and Pesaro.

What was the name of the first house you went to at Pesaro? The Villa Caprili.

How long did you continue at the Villa Caprili? I only remained there two months, or nearly.

Do you know the situation of the room of her royal highness at the Villa Caprili? Yes.

Describe it? Her royal highness had three rooms, which led into a dining-room.

Where were the rooms of her suite? Do you mean of the gentlemen.

State those of the gentlemen first? They were in a separate wing of the house.

How did that wing communicate with the body of the house? By means of two arches which were erected.

Did her royal highness have any conversation with you about those rooms, and about the apartments of the suite? I do not recollect.

How did the persons who were in that wing, after her royal highness came there, get into the body of the house? They had a staircase which went down into a court, and they went across a court or yard in order to enter the house.

Where was the bed-room of Pergami? It was a room near that of her royal highness.

Was there any communication between them? Yes.

Had her royal highness a small cabinet below? Yes.

Was there any sofa in that cabinet below? Yes.

Did you ever see Pergami in that cabinet upon the sofa? Yes.

Have you ever seen him there when the princess was there? Yes.

State how Pergami was sitting, or in what position he was upon the sofa? He was lying down on the sofa.

Where was the princess, and what was she doing? She was sitting on the edge of the sofa.

What was she doing? I do not recollect what she was doing, I recollect she was sitting on the edge of the sofa.

Did you ever see her royal highness in pantaloons? Yes.

Where? At Pesaro.

At the villa Caprili? Yes.

Was Pergami present at the time. I saw him once.

Can you tell us what he said, or whether he said any thing; what passed between them? Pergami said to her royal highness, that she looked better so.

Give the phrase he made use of, as far as you recollect it? Pergami turned round her royal highness, looking at her, and said, "How pretty you are, I like you much better so."

Did you observe the bed of her royal highness at the villa Caprili? I made no observation.

Was it a small bed for one person, or a large bed for two? It was a large bed.

At the time when you describe her royal highness as being in pantaloons, what was the state of her neck and her breast? Uncovered; she was at her toilet, and was dressing herself.

How far is the Villa Caprili from Pesaro, from the town? Two or three miles.

Do you remember, upon any occasion, Pergami going from the Villa Caprili to go to Pesaro? Yes, sometimes.

State what passed between her royal highness and Pergami? The same things that I said had passed at Messina.

Describe it? They took each other by the hand, and the princess said, "Adieu, mon cœur, mon ami;" and Pergami said, "Au revoir, princesse," till we meet again, princess.

Did you observe Pergami do any thing more? I do not recollect that I observed any thing else?

Was there a chest of money at Pesaro? Yes.

Do you know who had the key of that? I do not recollect.

Did you ever see Pergami with the key? Yes.

At the time when her royal highness resided at Naples, had she any chaplain as forming part of her suite? Prayers were said in her house every Sunday.

Was it so at the Villa Villani, and the Villa d'Este, and the Barona? No.

Did you ever see it after you left Naples? Yes.

Up to what time? While we were at Genoa.

Did you see it at all after you quitted Genoa? I never saw it again.

Did you ever see her royal highness go to churches with Pergami? Yes.

State what she did? I saw her once fall upon her knees by the side of Pergami.

Did you ever hear her say any thing about the father of Pergami? About Mr. Pergami's father, in what manner?

Do you remember her saying any thing about any masses? Yes?

State what that was? Her royal highness told me, that she intended to have masses said for the soul of the father of Mr. Pergami.

At the time when you were first at the Villa d'Este, was her royal highness visited by the nobility of that neighbourhood? Sometimes.

How was it at the Villa Villani, before you went to the Villa d'Este? They visited her royal highness sometimes also.

Did that continue up to the time when her royal highness quitted the Villa d'Este? Some persons continued to visit her, and some did not.

Did her royal highness ever say any thing to you about the Cassino at Milan? Yes.

What was it? Her royal highness said it had been put to the vote, whether she should be admitted at the Cassino at Milan, or into the Cassino at Milan.

What further did she say? She said that it had been negatived.

Do you remember in the garden at the Villa d'Este a chair upon wheels? Yes.

Have you seen Pergami and her royal highness ever do any thing with that chair? I have seen them play with this chair, and push it forward.

Who was in the chair? I do not recollect.

Did you ever see her royal highness and Pergami in the kitchen at the Villa d'Este? I saw them twice.

What did you see them do there? They were standing in the kitchen.

Was any thing to eat there? There was something to eat, but I did not see them eat.

When you first arrived at Naples, the morning after you describe her royal highness to have gone to the opera, what time in the morning did you dress her royal highness? I do not precisely recollect; I believe it was between ten and eleven o'clock.

After you had dressed her royal highness did you leave her any where? I remained in her room.

Do you know where her royal highness went to? Into a small room where there was a chimney.

Is that the small cabinet which you before described? Yes.

How long did her royal highness remain in that cabinet? I do not precisely recollect.

Can you state about what time? An hour, or an hour and a half.

During that time did you see Pergami any where? No.

Was the door of the cabinet open or closed? It was closed.

Do you know whether the outer door of the bed-room in which Pergami slept was open or closed? When I passed by the door I always saw it shut.

The Solicitor-general said, these were all the questions he had to ask the witness.

The Earl of Liverpool hoped the counsel at the bar, considering the great length of the examination, would have no objection to postpone the cross-examination till to-morrow. This he thought absolutely necessary, from the state in which the witness must be, as well as the interpreter, and even their lordships, after so long and unremitted an examination.

Mr. Brougham was about to speak, but was stopped by loud cries of "*Order, order.*"

The Lord-Chancellor thought that the queen's Attorney-general would not object to such a course, as he had complained on a former occasion of the great grievance of a cross-examination being interrupted. If the suggestion of his noble friend were not adopted, that grievance would unavoidably occur again in this instance; for it was clear, that if the cross-examination were begun, it could not be finished to-day.

Mr. Brougham said, he should certainly prefer the adjournment of the cross-examination till to-morrow; because, though that was a highly inconvenient course, he thought it would be still more dangerous to break off in the middle of the cross-examination. The house then adjourned at twenty minutes before four o'clock.

The queen's counsel have generally left the House of Peers so privately, that they have not been observed by the immense concourse of spectators. Yesterday, however, and o-day, Messrs. Brougham, Denman, and Lushington, were ecognised, and received with unbounded acclamation.

FOURTEENTH DAY, FRIDAY, SEPTEMBER 1.

The House was called over about ten o'clock.

Counsel were called in.

Then *Louisa Demont*, the thirteenth witness, was again called in, and cross-examined, as follows, by Mr. Williams, through the interpretation of Mr. Pinario.

You are understood to have stated, that you have been in England thirteen months? Yes.

Have you been out of England during those thirteen months? No.

You are understood to have stated, that you do not understand English? I understand English a little, but I cannot speak it with ease.

Have you had any lessons in English? Yes.

How long have you taken lessons in English? Four or five months nearly; I do not recollect exactly.

Was that up to the present time, or some time back? I have been these two last months without taking any lessons.

Have you not spoken English at all? Sometimes.

Did you understand the questions that were put to you yesterday, before they were translated? Yes, I can understand English better than I can speak it, because I cannot speak to make myself understood easily.

Though you could not explain yourself, you understood the questions without explanation? I did not understand them all; but I understood one which Mr. Solicitor-general put to me yesterday.

Do you mean to represent, that of the numerous questions which were put by Mr. Solicitor-general, you understood only one before they were translated? I understood some of them, but not all; besides I did not understand so perfectly as to be able to answer.

But you did understand most of the questions?

It was objected, that the witness had not said she understood most of the questions.

Had you understood most of the questions, aye or no? I understood some of them.

Did you understand the greater number or not? I understood some of those which were the shortest, some of them.

Since you have been in England, have you always borne the same name, Louisa Demont? No, I have had another name.

Be so good as to state what that other name is? I took the name of the place where I was born, Colombier.

Did you take a title as well; were you called Countess Colombier? No.

Nor were ever so called, were you? I was called so but once.

By once, do you mean one time? I mean by only one person.

By once, you mean one person do you? I only recollect one person that called me countess.

Was that frequently? I only heard it once.

Where were you living at that time when the person called you countess? In Frith-street.

Frith-street, Soho-square? Yes.

Before that time you had lived in Oxford-street, had not you? Yes.

How long did you live there? About three months, as far as I can recollect; I do not know precisely.

During the time that you lived there, nobody called you countess, did they? I do not recollect that any body called me countess; I do not recollect it at all.

Will you swear that they did not? I will not swear to it, but I cannot recollect that any body called me countess.

Will you swear you did not pass in the house by the title of countess? It was Mr. Krouse who placed me in that house: I do not know by what title he announced me, or described me.

Do you mean to swear you were not called, not behind your back, but in your presence, by the title of countess, while you were living in Oxford-street? I will not swear it, but I do not recollect it.

Was it not something new to you to be called a countess? I do not recollect that I was so called there; I recollect my being called so in Frith-street, but not in Oxford-street, or elsewhere.

Was not it something new to you to be called a countess? I was not called countess.

Then you will swear, that in that street of which you have been speaking, Oxford-street, you were not called countess in your presence—to your face? I will not swear it, but I do not recollect it.

What name did you pass by before; how were you called before you went to Oxford-street? Colombier.

How long have you been called Colombier? Since I have arrived in England, beginning at Dover.

Have you not answered, when in Oxford-street, to the title of Countess Colombier to a person or persons addressing you? I do not recollect that.

Will you swear you did not? I cannot swear it, but I cannot recollect it.

As you say, you cannot recollect whether you were called countess there, or not; was it not a matter of some novelty to you to be called countess at all? I never was called countess except this one time, that I recollect, in Frith-street.

You are understood to have stated yesterday, or the day before, that you accompanied the princess to Naples? Yes.

Do you now recollect, whether the princess went to the opera the first or the second night of being at Naples? The second night after her arrival at Naples, the princess told me that she was going to the opera.

Then it was the second night? It was the second night.

You are understood to have stated, that there were two beds in the apartment of the princess at Naples, a larger and a smaller bed? Yes.

The smaller bed you are understood to say was the travelling bed of the princess, was that so or not? As far as I recollect, it was the travelling bed of her royal highness.

If you are rightly understood, you have said, that upon the morning after the princess was at the opera, you perceived that the larger bed had the appearance as if two persons had slept in it, was that so? I said that the bed looked as if two persons had slept in it.

What did you mean by saying in a previous part of your examination, that you had observed the large bed, that it had been occupied, but that you could speak no more about it.

The counsel were informed, that they had a right to repeat what the witness had said, and then to ask the witness to it; but that if any doubt arose, whether they were correct in stating that the witness had said so and so, the only way of disposing of that doubt was to turn back to the evidence o. the witness, and to read that which she had stated.

When you were first examined upon the subject, and when you were desired to describe more particularly, did you not state you could not well recollect whether two persons had slept in it?

Then the following extracts were read from the minutes *(vide page* 483*)*.

" Did you observe the larger bed, what appearance that had? I did.

" What observation did you make upon the large bed? I observed it had been occupied.

" Can you inform their lordships more particularly of the state of it? I cannot.

Was it much, or a little deranged or tumbled? Not much.

(*Vide Page* 484.)

" You have stated what was the condition of the small travelling bed on the second night after the princess's arrival at Naples; what was the state of that bed on the subsequent nights during her residence at Naples? I made no observation upon it afterwards.

"State what was the appearance, on the second night, of the great bed, whether it had the appearance of one person having slept in it or more? More than one person."

Mr. Williams.—When you were asked two or three questions before, and then to describe more particularly the appearances of the bed, did you not understand that to apply to persons sleeping in it? I understood that I was asked to say in what condition the bed was, whether it was much deranged.

Did you not understand that you were to describe particularly to their lordships what the derangement was? I did not understand I was to explain it particularly, but I could explain particularly at present.

You gave some account of how some of the family slept at Naples; state the different rooms in which they slept; do you know where Hieronimus slept at Naples? The door of Hieronimus's room was in the same corridor in which was the door of her royal highness's room, as I have already stated.

Had Sir William Gell and Mr. Keppel Craven their servants sleeping in the house at Naples at that time? I saw their servants in the daytime, but I do not know whether they slept in the same house.

Both Sir William Gell and Mr. Keppel Craven had however men-servants at that time? Each of them had one servant.

A man-servant? Yes.

You mean to say, that you do not at all know where those servants of Sir William Gell and Mr. Keppel Craven slept at Naples, at the time at which you have been speaking? I do not know where the rooms were in which they slept, I never heard it mentioned.

You do not know where either of the servants of Sir William Gell or Mr. Keppel Craven slept any one night during your stay at Naples? I will not swear it, but I do not at all recollect it.

Do you mean to swear that you do not recollect where Mr. Craven's servant slept any one night during your stay at Naples? At this moment I do not recollect it at all.

That you will swear? At this moment I do not recollect it at all.

Where did you sleep yourself at Naples? In a little apartment above, above her royal highness's.

Did you sleep alone in that room? We had two rooms, in the one of them I slept, and in the other Annette Preising, during the time that she remained in the house.

Did you sleep alone in that room? I slept alone in that room.

Every night? Every night.

That you will now swear? That I slept in my room alone? Yes I slept every night in my room alone.

The whole night? The whole night in my room.

Alone? Alone.

Every night, and the whole of the night alone? I slept all alone in my room.

Are you understood rightly, when you are taken to have said, that one night you saw Pergami coming out of his own room in a state of undress at Naples? Yes.

That was at Naples? At Naples.

How soon after your arrival at Naples was it, as well as you can recollect? It is impossible for me to say; I do not recollect it.

State it as nearly as you can recollect? I cannot say precisely, we have been a long time at Naples, I cannot exactly say now.

State within a few nights, not tying yourself down to the precise night? We were four months at Naples, I cannot recollect at what period it may have been precisely.

It is not required by the question that you should speak precisely, or within a week, but state the time as nearly as you can? I cannot recollect, we were four months at Naples, whether it was one week sooner or one week later.

Was it about a month after, do you think? I cannot recollect whether it was one month or two.

Or three? I again say I cannot recollect; it is so long since this has taken place, that I cannot fix the time.

Was it towards the beginning, the middle, or the latter end of her royal highness's residence there? I do not recollect.

You have no memory at all about it, whether it was towards the beginning, the middle, or the end of the residence, and have no notion of the time? I do not recollect at what period it was.

Then you are to be taken to say, that it was one night at some time or other at Naples? Yes.

You were not twice at Naples with the princess, were you? We were once at Naples, and once in the Gulf of Naples, but we did not land.

You resided in the town only once? Yes.

Then you are understood to say that this one night you saw Pergami coming out of his room undressed? Yes.

Where were you standing, or in what position were you when you saw him first upon that occasion? I was standing at the door which came out of the room of her royal highness.

You spoke of a corridor or passage leading between Pergami's room and the princess's. Yes.

The question refers to that same corridor or passage to which the last question alluded? I was standing at the door which came upon this corridor, from the room of her royal highness.

Pergami's room, if you were understood rightly, was at the other end of that corridor from the princess's room? Not quite at the bottom.

Nearly at the other end of that passage? It was rather nearer to the end of the passage than on this side.

Was there not a staircase between the princess's door and Pergami's room-door by which you went usually to your own apartment? In this position *(describing it)* was the door of her royal highness; here there was another door leading into a cabinet, in which there was another door leading to a corridor, through which I went to the staircase which led to my apartment.

Had you a light upon that occasion, or had Pergami a light, or neither of you one? Pergami had a candle in his hand.

Had you any? No, because I was on the point of going.

Going where? To go out; I was still speaking to her royal highness; I was at her door.

When you say "going," where were you going? I was waiting for her royal highness to give me leave to go, as she did every night.

What did you mean, when you said a minute ago, "I was going?" Because her royal highness was undressed, and I was expecting every moment permission from her to go.

To go where? To withdraw to my own room.

Without a light? I had no light.

Did you, in point of fact, escape through the apartment of her royal highness? I was there, and I escaped through this door; I only traversed this part of the passage *(pointing out their situations.)*

Are you speaking of that part of the passage between the princess's room and Pergami's? Yes, the interior passage.

When you traversed that part of the passage, in order to make your escape, as you state, had you not to go towards Pergami in the interior passage? I was here, and I escaped through this door, and Mr. Pergami's door was here *(pointing them out.)*

When you made your escape from the place where you were standing, at the door of the princess, had you not to go nearer to where Pergami himself was?

Mr. Garston.—She says, "I made some steps," and then she turns off to point it out; "I made some steps in the corridor to go to the door that led out."

Were not those steps nearer to Pergami's door, and to where Pergami was?

The witness was directed by their lordships to give her answer in words, and not by signs, which could not be seen by some of their lordships.

When you made your escape, as you have several times described, by means of the door, did you not get nearer to Pergami in so doing? Yes.

Did Pergami come forward, or did he run back into the room, or what? I saw Mr. Pergami over against me, coming towards me.

Then he kept coming nearer to you to meet you? I did not see that, because I went out precipitately.

Then how do you know that he came towards you? Because I saw him coming in a direction towards me.

Had not the king of Naples lent a palace or a house to the princess? Yes.

The question refers to that night when you describe that the princess acted the part of the Genius of History? Yes.

Were not the king and queen of Naples there? I saw the king of Naples in the room, but not the queen. I heard she was indisposed, and obliged to leave the room at an early hour.

Were there not ladies also of the Neapolitan court upon that occasion? I saw several ladies in the room, but I did not know whence they were from.

Were there not also, of the Neapolitan court, a considerable number of the nobility and gentry? I saw a great number of gentlemen and ladies in the room.

Did not two other ladies sustain characters at the time when the queen appeared as the Genius of History? When her royal highness went down first in that character I did not go down, but I remained above in the ante-chamber.

Then you yourself did not see the representation of the piece, whatever it was, that was got up? I was not present during the representation of that piece.

Did you see any other lady dressed up as representing Victory? I do not recollect seeing any other lady; there were several costumes, but I do not recollect further.

Mr. Garston.—She now adds, "I saw many costumes, but I do not recollect seeing one of victory."

Were not those costumes, by whomsoever worn, used upon that occasion on which the princess appeared as the Genius of History? I saw different costumes during the same evening.

Did you see one representing Fame upon that occasion? I do not recollect; I saw several costumes, but I made no observation about it.

However that may be, when the princess was dressed up in the character of the Genius of History, did she not go into that room in which the Neapolitan persons, male and female, were? I only saw the princess go down, but I saw no further; I only saw her on the top of the staircase which she was going to descend.

Was that towards the room in which the Neapolitan nobility and gentry were assembled? Yes.

Have you any doubt whatever that the princess did go upon that occasion to appear before that assembly? I believed that the princess was going to appear amongst them.

When the princess was dressed as a Turk, were not other persons dressed in that manner, so as to form a group? I only saw the princess in her apartment; I did not go into the room; I only entered the ball-room towards the end of the ball.

Did you see Hieronimus? I did not see Hieronimus.

Sicard? I saw neither Hieronimus nor Sicard.

Nor any other of the suite of the princess, did you? I saw no one of the Princess's suite, except towards morning, when I went into the ball-room towards the end of the ball.

Before the ball began, did you not see some of the princess's suite dressed as Turkish peasants, or as Turks of some description or other? I do not remember that I saw any body.

Did not the princess travel on horseback in the journey by land to Jerusalem? Yes, that is to say, as far as I recollect, it was an ass.

Did not you travel in some kind of carriage? Yes.

With the Countess Oldi? Yes.

Did not you travel after the princess? Sometimes we were before, sometimes after.

Did you not, during that journey, attend upon the Countess Oldi? I did not wait upon the Countess Oldi.

Did you not continue to be with her, whether waiting upon her or not? I always was in the same palanquin with her.

Did not your sister attend upon the princess that journey? My sister was always on horseback near the princess.

That is, the princess and your sister travelled on horseback, and you and the Countess Oldi in a carriage, throughout the whole of that journey? Yes.

Was not your sister, during that journey, constantly near the princess? When we stopped I sometimes was *auprès de* (near) her royal highness.

Upon that journey, did you wait upon the princess? Yes.

Did not your sister? Yes.

During that journey, did not the princess rest by day and travel in the night? She rested during the day.

And travelled during the night? Yes.

You have described stopping at Aum? Yes.

Do you or do you not mean to say, that you undressed the princess at Aum? I recollect I was under the tent of the princess, but I do not recollect whether I undressed her or not.

Do you mean to say, that the princess was undressed under the tent at Aum? When I left the princess she was in a white petticoat.

Do you mean to say, that the princess was undressed at Aum? She had pulled off her upper habiliments.

Do you mean by that, the dress in which she had been riding, travelling? Yes, a gown or robe, which was open.

Do you mean more than the outer garment, of whatever description? I do not recollect if it was any thing more.

Then her dress remained as it had done all the night in which she was travelling, except that exterior dress of whatever description?

The question was proposed and the answer returned through Mr. Garston.

Her royal highness was in a white gown or petticoat (jupe) alone

Was the princess's dress in any other way altered, except by having the exterior habiliment taken off?

Through Mr. Pinario.—I do not recollect.

When that exterior habiliment was taken off, did not the princess put on a night-gown, or a bed-gown, or something of that description in order to repose on the sofa? When I left her royal highness she was in a white petticoat, I do not know what she did after I had left her.

Did she stop upon the journey to Jerusalem another night? Yes.

Did you attend her upon that occasion the second time? I helped her royal highness to dress.

Upon that second occasion, when the princess stopped from travelling, do you mean to say that she undressed? I did not see her royal highness when we arrived, I only saw her when she arose in the evening.

Upon that occasion, when you did see her in the evening, was she dressed or undressed? When I entered her room she was dressed in that white petticoat that I have already said.

Mr. Garston.—She now speaks of the word "robe," instead of "jupe;" she now says, I must be mistaken, for it was the same jupe of which I spoke before.

When the princess was about to start, had she more to do to her dress than to put on the exterior habiliment of which you have made mention before? I do not think she had any thing else to put on.

You have described that you took ship at Tunis when you were going to Jerusalem? That we took ship at Tunis; we went on in the same vessel in which we had come.

You went on from Tunis? Yes.

The crew consisted of about two or three-and-twenty people, all together, did they not? I believe it did, thereabouts.

Then there were, besides the crew, ten or a dozen people in the suite of the princess, were there not? I believe nearly so.

Do you remember taking on board at Tunis a harper? Yes.

A Jew? Yes.

Upon that occasion we have been told the cabin of the vessel, the extreme of it, was occupied by the princess and Countess Oldi? There were two cabins, one for the princess and one for the Countess Oldi.

Where did you sleep? In a cabin near the dining-room.

Did it open into it? It opened into the passage.

What passage? A passage that there was to go all along the vessel.

Where did Hieronimus sleep during that voyage? Hieronimus slept in another cabin in the same direction as mine, the last on that side.

When any of the crew slept when they were at liberty they went into the hold, did they not? I do not know where they went.

Do you know where the harper, of whom you have spoken, slept during the voyage? I do not recollect exactly where he slept, but it was, I believe, near the table where we dined; I do not recollect exactly.

At what distance was it from the place where you slept? It was at the other end of the vessel.

You slept in your own birth every night? Was it at the beginning or afterwards?

The whole voyage from Tunis till you landed? I said that when her royal highness slept on the deck, I slept one night in her cabin and one night in mine.

Did you sleep in any other place except those two you have mentioned? No.

And the harper slept at a different part of the ship, did he? I do not know where he slept, but I believe he slept where I told you, near our dining-table.

Did you not say, a short time ago, that that was in a different part of the ship? I said it was at the extremity, at the end of the vessel in a cabin which was below, not on the deck: I do not mean the end of the vessel which was above, but below.

Do you mean to swear, that the Jew harper slept there every night on that voyage from Tunis until you landed? I do not know where he slept every night.

Will you swear, that you do not know where he slept any one night? I recollect having heard that he slept there, but I never saw him; I do not remember precisely.

Then you do not know, do you, where he slept any one night, of your own knowledge? No, I said that I did not know myself where he slept, but that I was told.

Nor any part of any night, of your own knowledge? Not by my own knowledge.

You are understood to have mentioned a place of the name of Scharnitz? Scharnitz, yes.

From that place, if you are understood rightly, you have said that Pergami went to get a passport, is not that so? I recollect that Pergami departed from that place, and I was told it was to go to Inspruck for a passport.

Was that the winter season? As far as I recollect, it was in the spring, about the month of March.

Was there frost or snow upon the ground? There was a great deal of snow.

It was a poor inn, an indifferent inn, was it not? A small inn.

You are understood to say, that you were upon a bed in the room of the princess, was that so? Yes.

Had you taken off your clothes? Not entirely.

Had you taken off more than your gown? I do not perfectly recollect, but I believe not.

Had the princess undressed? I do not recollect, she was in bed, but I do not recollect whether she was undressed.

Do you remember the dress that the princess was in the habit of wearing at that time? Yes.

Was it not a blue habit, trimmed with fur round close up to the neck, with a great deal of fur about it? Yes, there was a great deal of fur here, *(about the bosom)*; it was a blue dress.

Had not the princess at the same time a cap. When she was travelling she had a cap.

A travelling cap? Yes.

Had not the princess gone upon the bed, or into the bed, with that dress upon her, in the middle of the preceding day? Yes.

Do you mean to say, that from the middle of the day, when she got into the bed or on the bed, she had undressed herself at all? I saw her royal highness on the bed during the day in that same riding-habit.

Did you see her royal highness take it off at all, whilst she remained at that inn? I do not recollect seeing it.

You yourself were upon a bed in the same room with her? Yes.

You left that small inn, as you describe, early in the morning, did you not? Yes.

You are understood to have said, that you entered into the service of the princess in the year 1814? Yes.

And remained in it until the year 1817? Yes.

Until the month of November, or thereabouts, in that year, did you not. Yes.

Did you quit the princess's service of your own accord, or were you discharged? I was discharged.

Were you not discharged for saying something which you afterwards admitted to be false? Yes, in fact it was not true.

Did you go into any other service after you were discharged from the princess's before you came to England? No.

Did not your money fail you before you came to England? No.

You mean to say, that you were not short of money before you came to England, do you? No, because I had money in Switzerland, and I might have got it if I had been in want of it, if I had been willing.

Did you never say that you were getting short of money? I do not remember ever saying it; I have funds in Switzerland, and I live upon the interest of them.

Did you never represent, that you had failed to save money in the service of the princess? I do not remember ever saying so.

Will you swear that you never represented that to any body? I cannot swear it, but I do not recollect ever saying it.

Or representing it? I do not recollect it.

Will you swear that you have not? I will not swear it, but I do not recollect it.

You were applied to by some person or other, very soon after you were discharged from the princess, were you not? Not very soon after.

For example, within half a year? Not six months, it was more than six months, it was nearly one year after I had left her service.

You are understood to say, you were applied to, to know what you had to say with respect to the princess, is not that so? One year after I had left her service.

Did or did not somebody apply to you, in order to know what you had to say with respect to the princess, about a year after you left the service of her royal highness, or at whatever period? One year after.

Yes, or no? Yes, one year after.

Do you mean to represent, that an application was not made to you much earlier than a year after your being discharged from the princess? (*The witness answered, without the question being interpreted to her,*) No.

Is it or is it not true, that an application was made to you within half a year of your quitting the service of the princess? No application was made to me earlier than one year after I had quitted her.

Will you swear that? Yes.

Neither by means of a letter, nor by personal application, or otherwise, in any manner? No; as I know what it is about, may I be allowed to explain the matter?

(*Through Mr. Garston.*)—About six months after I left the service of her royal highness, I wrote to my sister to say, that an application had been made to me, but that it was a double entendre between me and my sister; that is all I have to say.

The Attorney-general for the queen desired that the exa-

mination might proceed through the interpretation of Mr. Garston.

Mr. Pinario was directed to attend to the examination, and to interpose in case of any thing appearing to him to be incorrect. The examination proceeded through Mr. Garston.

Have you never said, that the princess was surrounded with spies when in Italy? I do not recollect ever having said it.

Or represented it in any manner? I do not recollect it.

Will you swear that you have not? I will not swear, but I do not recollect it.

Have you a short memory, a treacherous memory? Not very short, but it is so long since the thing passed, that I cannot recollect it.

Is it longer than the voyage, and the other travels you have been speaking to? The same thing; I cannot recollect what I have said in a conversation, it is impossible; things to which one does not pay attention.

Either by a conversation, or in any other manner, have you represented it? I recollect nothing at all about it.

Will you swear you have not? I will not swear, but I recollect nothing of it.

Do you know Baron Ompteda? Yes, I have known him.

You have seen him? I have seen him.

Spoken with him? Not often.

You have spoken with him? Once at the Villa Villani.

When he was upon a visit with the princess? He was at the Villa Villani; I believe he was paying a visit to the princess.

Was he often there? I recollect only having seen him this once during some days.

What do you mean by some days? He remained some days in the house.

Has he been upon a visit to the princess while you were in her service, more than once? Yes.

How many times have you known him upon a visit to the princess, whilst you were in the service of the princess? I have seen him at three different places.

Upon one occasion you say his visit was of three or four days, were the other visits of as long duration? I think not.

A day or two perhaps? I only remember to have seen him that once for some days at the residence of the princess.

Then were the visits on the other two occasions of a day or two? They were of a shorter duration as far as I recollect.

You do not recollect precisely how long it was upon the other two

occasions? I think he came only to dine; I cannot precisely say, I have seen him only in the house.

On which occasion was it, that a complaint was made by the princess of his conduct at her house?

The counsel were informed, that the question should first be asked, whether there was a complaint made.

Was there a complaint made by the princess of the conduct of the Baron upon one of those occasions? Yes.

On which of the occasions was it? As far as I can recollect, it was at the Villa Villani.

Was the complaint about locks or false keys?

The counsel were informed, that the first question should be, "What was it about?" and that if that did not sufficiently bring out the fact, a further question might be put.

Was there any complaint about keys or locks made by the princess? I recollect that the princess made complaints, but I do not recollect respecting what.

Only respecting the conduct of Baron Ompteda while he was residing in her house? I do not recollect whether it was whilst he resided there or afterwards.

Did not the complaint respecting the conduct of Baron Ompteda, respect him, Ompteda, while he was in the house of the princess? I do not recollect what was the subject of the complaint.

You yourself took a considerable share in the business of the complaint, did you not? None.

Did you not write a challenge; did you not copy one?

Mr. Solicitor-general objected to the question.

Did you, or did you not, write a letter for Mr. Hownam? I do not recollect if I wrote a letter for Mr. Hownam.

Did he not desire you to write a letter for him to Baron Ompteda? I recollect nothing of it, or nothing about it.

Is that your writing? *(a letter being shewn to the witness, folded so that she might see the last line and a half.)* It is not exactly like my writing.

Do you believe it to be your writing or not? It is not exactly like my hand-writing.

Do you believe it to be your hand-writing? I do not recollect having written it, nor do I think that it is exactly like my character.

Do you believe it to be your writing, aye or no? I do not think it is exactly my hand-writing; I do not recollect having written it.

Do you believe it to be your hand-writing, aye or no? I cannot decide whether it is my hand-writing; it is not quite like it, and I do not recollect having written it.

Do you believe it, aye or no? I cannot say yes or no; because it is not exactly like my hand-writing, and I do not recollect having written it.

Do you believe it to be your writing? It is not exactly like my hand-writing.

Do you believe it to be your writing? I cannot tell what else to answer; I cannot answer to a thing of which I am not sure.

(By Lord Erskine.)—You are not asked, whether you know it to be yours, but whether you believe it to be yours? I cannot say positively that it is not my hand-writing, but I do not believe it is.

(Mr. Williams.)—How much of that paper, that has been before you so long, was submitted to your eye during the time you have given the answers you have given? A line and a half.

Before it was folded down, as it now is, did you not see higher up in the paper several lines more than that line and a half? When they presented it me, there I saw something more, but I do not recollect how many lines, nor what it was.

Do you mean to say, that when the counsel shewed you the paper before it was in the hands of the interpreter, it was not near enough for you to see the writing? I do not know whether it was near enough; I have seen the writing, but not distinguished what the writing was.

Was it not, when in the hand of the counsel, near enough for you to see the writing, and the character of the writing? I have merely half seen the character.

Was it not near enough to you for you to see it? It was near enough, because I have seen it, but I have only partly seen it; confusedly I have seen the hand-writing at a distance, but have not been able to distinguish.

Why did you not complain, when the counsel held it in his hand, that it was not near enough for you to see it? Because the counsel gave it to you. *(Addressing herself to the interpreter.)*

Do you mean to represent that the counsel did not hold it before you long enough for you to see the character before he handed it to the interpreter? I could not see the character distinctly at that distance.

Mr. Williams.—Do you now see the line and a half that is before you? Yes.

(The paper was then presented to the witness, folded lengthways, so as to show the first half of every line.)

Do you see that distinctly? Yes.

Is that your hand-writing? It does not seem exactly my writing.

Do you believe it or not? I cannot tell whether it is my writing, because it is not exactly as I write.

(The paper was marked by the clerk assistant.)

Mr. Williams.—Was it not in the month of November 1817 that you quitted the service of the princess? Yes

Of course, at that time you knew all respecting the princess that you have been deposing to before their lordships for two days back? Yes.

Since the time that you quitted the service, or were discharged from the service of the princess, have you never represented the character of the princess to be of a very high description, of an excellent description. I do not recollect.

Will you swear you have never represented, that you would surrender half your life if she could but read your heart? I may have said that, but I do not recollect it.

Do you remember never having said, or written, or represented, that if the princess could read your heart, she would then be convinced of the infinite respect, the unlimited attachment, and the perfect affection, you entertained for her august person? I recollect to have written several times to my sister, but I do not recollect the contents of my letter.

Will you swear that you did not write to your sister to that effect after you were discharged? I have written to my sister.

Will you swear that you did not write to the effect that has just been stated to you? I wrote home in my journey to Count Scavini.

The question refers to your writing to your sister? I wrote several times to my sister.

Will you swear that you did not express yourself in the manner or to the effect described, in a letter to your sister, since you were discharged? I have written several times to my sister, and I know I have spoken of her royal highness; but I do not recollect the expressions I have used.

You are asked to the effect? Am I asked if I have written in the same sense, if I have said those words.

To the same effect in any words? If I have written expressly for that.

Have you expressed yourself in these words, or to the sense, "If the princess could but read my heart she would then be convinced of the infinite respect, the unlimited attachment, and the perfect affection I have always entertained for her august person?" I have written to my sister, but I cannot exactly recall the expressions; it was in that sense, in that meaning.

Will you swear you did not use those very expressions, beginning with the words, "Oh! God, I would surrender half my life if she could read my heart?" I may have used these expressions, because at that time I was much attached to her royal highness.

That was some time after you had been discharged, was it not? It was not very long after.

Have you not to the same sister written, "How often in a numerous circle have I with enthusiasm enumerated her great qualities, her rare

talents, her mildness, her patience, her charity, in short, all the perfections which she possesses in so eminent a degree?" I do not recollect whether I have made use of those expressions, but I have written to my sister, and I have spoken of the manner in which she conducted herself towards me.

Have you not used the very expressions that have been just put to you? I do not recollect exactly whether I have used the same expressions, but I have written in the same sense; I do not recollect the expressions.

Then you will not swear that you have not used those very expressions? I will not swear that I have made use of them, nor that I have not made use of them.

But to the same sense you admit? The sense, yes.

Do you not remember this, "How often have I seen my hearers affected, and heard them exclaim that the world is unjust, to cause so much unhappiness to one who deserves it so little?" I do not recollect whether I used those expressions.

"And who is so worthy of being happy?" I do not remember the expressions.

Have you not written to that effect? I have written to my sister several times to that effect, in that sense.

Will you swear that you have not used those very expressions, those very words? I cannot recollect whether I have made use of them exactly.

You will not swear that you have not? I will not swear that I have made use of them, nor that I have not made use of them.

You kept a journal, did you not? A journal of a voyage.

A journal generally whilst you were with the princess? Yes.

Do you remember writing to your sister thus: "You cannot think what a noise my little journal has made?" I wrote several times to my sister, but I cannot recollect exactly what I wrote.

Did you not on one occasion use the words just repeated, or to that effect? I cannot recollect it*.

Will you swear you have not? I will not swear that.

"It has been *(speaking of the journal)*, if I may use the expression, snatched at" *(arraché)*? I tell you I cannot recollect what I have written to my sister, exactly the expressions.

"Every one has read it; Madame Gaulisa begged me to let her carry it to Lausanne; all the English who were there wanted to see it immediately;" do you remember using those expressions to your sister?

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* "Je ne me rappelle pas" was the expression generally made use of by this witness.

I tell you it is impossible I should recollect what I have written to my sister; I do not recollect the expressions.

Do you not remember writing to that effect? I do not recollect what I have written to my sister.

Will you swear you have not, to the effect just repeated to you about the journal? I cannot swear to that of which I am not perfectly sure.

Who is Madame Gaulisa? A Swiss lady.

Whom you know? Yes, I know her.

Did you not shew the journal to Madame Gaulisa? I do not recollect whether Madame Gaulisa read it before or after I was returned.

Did she not see it? She has seen it, but I do not recollect whether it was before or after I returned.

Do you not remember writing to this effect, or these words: "I have been delighted at it," at her seeing the journal, "for you know I say in it a great deal of the best and most amiable princess in the world; I relate, in detail, all the traits of sensibility and of generosity which she has shewn, the manner in which she has been received, applauded, cherished, in all the places we have visited?" I recollect that I wrote very often to my sister, and spoke of her royal highness.

And to this effect? I do not recollect whether it was in that sense which has been last spoken of.

Will you swear you did not? I will not swear that I have not done it, because I do not recollect it.

"You know that when the princess is my subject I am not barren, consequently my journal is embellished with the effusion of my heart, my greatest desire having always been, that the princess should appear to be what she really is, and that full justice should be rendered to her." Do you remember having written to that effect? It is always the same thing; I have written frequently to my sister, and as I was much attached to the princess at that time, I wrote a great deal about her; but I do not recollect the expressions of which I made use.

Will you swear you did not use the expressions which have just been put to you? I will not swear, because I am not sure of it.

Will you swear that you did not use them? I will not swear, because I am not sure of it.

Have you any doubt that you did use them? I do not recollect whether I have made use of them; I wrote frequently to my sister, and I do not recollect the expressions.

Have you not represented, that your money began to fall short? I know nothing of that, but I have never been in want of money.

Have you not stated to your sister, that you were beginning to be short of money, that you were getting poor? I do not know whether I have said it, but that has never happened to me.

Have you never represented to your sister, that she should economise as much as possible? Yes.

And retrench every superfluity? I have represented to her that she ought to economise, because she has no fortune at home.

Have you not represented, "Did you but know the pain I feel in not having done so?" I do not recollect whether I wrote that, but I never have had need of money.

Have you not added, "I do not think I ever was guilty of extravagance, but I have not deprived myself of many things, which were almost useless?" How do you wish me to recollect what I have written? *(Comment voulez-vous que je me rappelle ce que j'ai écrit?")**

When you have spoken to the house of something which you call a double entendre, was it not to this effect: "I had almost forgotten to confide to you a thing which will surprise you as much as it has done me. Upon the 24th of last month I was taking some refreshment at my aunt Clara's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went down stairs, and desired him to come up into my room. Judge of my astonishment when I broke the seal! A proposal was made to me to set off for London, under the pretence of being a governess: I was promised high protection, and a brilliant fortune in a short time. The letter was without signature; but to assure me of the truth of it, I was informed I might draw on a banker for as much money as I wished."

The Attorney-general here stated, that he had not interposed when the counsel against the bill had asked as to particular expressions used by the witness, but that now that he was proceeding to read a long letter, he felt it necessary to submit, that the regular course was for him to produce it, and put it into the hand of the witness, and to ask whether it is her hand-writing or not; and that he had no right, without having so done, to read the contents of a letter, which was assumed to exist.

The witness was directed to withdraw.

The Attorney-general of the queen, and Mr. Williams, were heard in support of the examination, and the Attorney-general was heard in reply.

The counsel were then directed to withdraw, and the following questions were put to the learned judges:

"Whether, in the courts below, a party on cross-examination would be allowed to represent, in the statement of a question, the contents of a letter, and to ask the witness whether the witness wrote a letter to any person with such contents, or contents to the like effect, without having first shewn to the witness the letter, and having asked that witness whether the witness wrote that letter, and his admitting that he wrote such letter?

"Secondly, whether when a letter is produced in the courts below,

* The proper translation is: "How should I recollect what I have written?"

the court would allow a witness to be asked, upon shewing the witness only a part of, or one or more lines of such letter, and not the whole of it, whether he wrote such part, or such one or more lines; and in case the witness shall not admit that he did or did not write the same, the witness can be examined to the contents of such letter."

The questions being handed to the lord-chief-justice, the learned judges begged leave to retire, and after a short time returned.

Lord-Chief-Justice Abbott.—My lords, the judges have conferred upon the questions propounded to them by your lordships: the first question was in these words, "Whether, in the courts below, a party on cross-examination would be allowed to represent, in the statement of a question, the contents of a letter, and to ask the witness whether he wrote such a letter to any person with such contents, or contents to the like effect, without having first shewn to the witness the letter, and asked the witness whether he wrote the letter, and his admitting that he wrote that letter?"

The judges are of opinion that that question must be answered by them in the negative; and the reason and foundation of our opinion is shortly this—The contents of every written paper are, according to the ordinary and well-established rules of evidence, to be proved by the paper itself, and by that alone, if the paper be in existence; the proper course therefore, my lords, is, to ask the witness whether or no that letter is of the hand-writing of the witness; if the witness admits it is of his or her hand-writing, the cross-examining counsel may, at his proper season, read that letter as evidence; and when the letter is produced, then, my lords, the whole of the letter is made evidence. One of the reasons for the rule requiring the production of written instruments, is in order that the court may be possessed of the whole. If the course which is here proposed should be followed, the cross-examining counsel may put the court in possession only of a part of the contents of the written paper, and thus the court may never be in possession of the whole, though it may happen that the whole, if produced, may have an effect very different from that which might be produced by a statement of a part.

My lords, the next question proposed by your lordships, is, "Whether when a letter is produced in the courts below, the court would allow a witness to be asked, shewing the witness only a part, or one or more lines of such letter, and not the whole of it, whether he wrote such part or such one or more lines; and if he should not admit that he did or did not write such part, whether he can be examined to the contents of such letter. The judges beg your lordships' permission to divide this question into two parts: in answer to the first part, namely, "Whether when a letter is produced in the courts below, the court would allow a witness to be asked, shewing the witness only a part, or one or more lines of such letter, and not the whole of it, whether he wrote such part?" the judges are of opinion, that that question should be answered by them in the affirmative to the question in that form; but in answer to the latter part, which is this, "and in case the witness shall not admit that he did or did not write such part, whether he can be examined to the contents of such letter?" that the learned judges answer in the negative, for the reason I have already given; namely, that the paper itself is to be produced, in order that the whole may be seen, and the one part explained by the other.

The counsel were again called in, and informed that upon cross-examination counsel cannot be allowed to represent, in the statement of a question, the contents of a letter, and to ask the witness whether the witness wrote a letter to any person with such contents, or contents to the like effect, unless the letter is first shewn to the witness, and the witness is asked whether he wrote such letter, and admits that he did write it; and also, that the house will allow a witness to be asked upon cross-examination, upon shewing such witness only a part, or one or more lines of such letter, and not the whole of it, whether he wrote such part, or such one or more lines: But if the witness should not admit that he wrote such part or such one or more lines, the witness cannot be examined to the effect of the contents of the letter, unless it is shewn to him, and he admits that he wrote it.

The witness was again called in.

Mr. Williams.—Is that your hand-writing? *(a letter being put into the hand of the witness.)* Yes.

Is that side your writing? It is my writing.

Take the next—Is the next page your writing? Yes.

And the next? Yes.

Even to the end? Yes, to the end.

And the address? Yes.

And the date and the place? Yes.

Look at that. *(Another letter being shewn to the witness.)* Is that first page your writing? Yes.

And the next? Yes.

And the last? Yes.

The whole? To the end.

Is the first page of that letter your writing, the date and altogether? *(Another letter being shewn to the witness.)* Yes.

And the next page? Yes.

Name and all? Yes, all mine.

The letters were severally handed in and marked by the clerk-assistant.

The Attorney-general objected to any question being put as to the contents of the letters, and submitted that the written instruments must be produced, and must speak for themselves.

The Attorney-general of the queen and Mr. Williams were heard in support of the right to put such question, and the Attorney-general was heard in reply. The counsel were then directed to withdraw.

The following questions were proposed to the learned judges:—

"Whether, when a witness is cross-examined, and upon the production of a letter to the witness under cross-examination, the witness admits that he wrote that letter the witness can be examined in the

courts below whether he did or did not in such letter make statements such as the counsel shall, by questions addressed to the witness, inquire are or are not made therein; or whether the letter itself must be read as the evidence to manifest that such statements are or are not contained therein: and in what stage of the proceedings, according to the practice of the courts below, such letter could be required by counsel to be read, or be permitted by the courts below to be read?"

The questions were delivered to the Lord-Chief-Justice; the learned judges requested leave to withdraw, and after a short time returned.

Lord-Chief-Justice Abbott.—My lords, the judges have conferred upon the questions last proposed to them by your lordships: the first part of your lordships' question is in these words, "Whether, when a witness is cross-examined, and upon the production of a letter to the witness under cross-examination, the witness admits that he wrote that letter, the witness can be examined in the courts below whether he did or did not in such letter make statements, such as the counsel shall, by questions addressed to the witness, inquire are or are not made therein; or whether the letter itself must be read as the evidence, to manifest that such statements are or are not contained in the letter?" My lords, in answer to this part of your lordships' question, I am to inform your lordships, that the judges are of opinion, in the case propounded, the counsel cannot by questions addressed to the witness, inquire whether or no such statements are contained in the letter, but that the letter itself must be read to manifest whether such statements are or are not contained in that letter. My lords, in delivering this opinion to your lordships, the judges do not conceive that they are presuming to offer to your lordships any new rule of evidence, now for the first time introduced by them, but that they found their opinion upon what, in their judgment, is a rule of evidence as old as any part of the common law of England, namely, that the contents of a written instrument, if it be in existence, are to be proved by that instrument itself, and not by parol evidence. The latter part of your lordships' question is in these words, namely, "In what stage of the proceedings, according to the practice of the courts below, such letter can be required by counsel to be read, or can be permitted by the courts to be read?" My lords, in answer to this, I am to inform your lordships, that the judges are of opinion, according to the ordinary rule of proceeding in the courts below, the letter is to be read as the evidence of the cross-examining counsel, as part of his evidence in his turn, after he shall have opened his case; that that is the ordinary course: but that if the counsel who is cross-examining suggests to the court that he wishes to have the letter read immediately, in order that he may, after the contents of that letter shall have been made known to the court, found certain questions upon the contents of that letter, to be propounded to the witness, which could not well or effectually be done without reading the letter itself, that becomes an excepted case in the courts below; and for the convenient administration of justice the letter is permitted to be read at the suggestion of the counsel; but considering it, however, as part of the evidence of the counsel proposing it, and subject to all the consequences of having such letter considered as part of his evidence.

The counsel were again called in, and were informed,

That when a witness is cross-examined, and upon the production of a letter to the witness under cross-examination, the witness admits he

wrote that letter, the witness cannot be examined whether he did or did not in such letter make statements such as the counsel shall, by questions addressed to the witness, inquire are or are not made therein, but that the letter itself must be read as the evidence, to manifest that such statements are or are not contained therein; and further, that it is the opinion of the house, that in the regular course of proceeding, the letter ought to be read after the counsel cross-examining shall have opened his case; but that the house will, upon the request of such counsel, stating that it is expedient for the purpose of his more effectually, in the course of his cross-examination, propounding further questions necessary for the interest of his client, permit such letter to be read, subject to all the consequences of having such letter considered as part of his evidence.

Mr. Brougham, before he made his election whether he would wish the letters read now or at a future stage, reminded the house of a precedent in the Duchess of Kingston's case, in the state trials, where Judith Phillips had been called by Mr. Mansfield, counsel for the defendant, in order to enable him to read a letter, which letter was read as part of the cross-examination, and not as part of the defendant's evidence, whose case was not opened until afterwards. On this authority he should have submitted that he might read the letters of the witness Demont as part of her cross-examination.

The Lord-Chancellor told the counsel for the queen, that they must make their choice whether they would have them read now, for the greater convenience of cross-examination, or would produce them in a subsequent stage of the business. In both cases they must be considered as the evidence for and of the queen. He would look more particularly at the Duchess of Kingston's case.

Mr. Brougham added, that Mr. Williams had one or two other questions to put to the witness before he examined her on the contents of the letters.

The witness was again called in.

Mr. Williams.—You have been thirteen months in England? Yes.

Any more than thirteen months? I came last year, in the month of July.

Were you ever in England before? No.

Who came with you? One of my sisters, a friend, Mr. Sacchi, and Mr. Krouse, who accompanied me.

Your retinue consisted of two females and two males? It was not my suite, we were in different carriages.

But travelling together at the same time, coming at the same time? Yes.

From Vienna, or where? From Switzerland.

You have been at Vienna, have you not? I have not been in Vienna, except with her royal highness.

Not since you were in her royal highness's service? No.

Have you been at Milan since? Yes, once.

Were you examined there? Yes.

How many examined you; was Vimercati the counsellor one? Yes, Vimercati and three other gentlemen.

Was there any other lawyer besides Vimercati? There was the Advocate Vimercati, three other gentlemen, and those who wrote; I do not know whether there was an advocate.

Was Mr. Powell one? Yes.

Was Colonel Brown there? Yes, he was there.

You were examined more than once, were not you? I was examined but once at Milan.

Any where else? I was examined only at Milan.

How long ago was that? A year ago, in the month of January or the commencement of February.

Where did you go from, in order to be examined at Milan? I went from Switzerland to Milan.

You had been at your own house, had you? Yes.

Then living at your own home, not in service? Yes, I lived at home.

Have you finally agreed what you are to have for your evidence? They have promised nothing for my evidence.

Have you not asked for any thing before you came, or for any promise, before you came over to this country, upon your oath? No.

Or for any thing else for your personal presence? No, I have only demanded that they should pay the expenses of my journey.

Do you mean to swear, that you expect nothing for coming to this country, and for giving your evidence? I expect nothing at all for having come here.

No benefit, or any profit of any kind, you mean to swear? I expect no profit for coming here.

You do not believe, upon your oath, that you are to receive any money, or benefit of any kind, for coming to England? I expect no advantage from coming here, only that they should pay my expenses back to Switzerland, nothing more.

That is all you expect? Yes, that is what I expect.

And that is all you believe you are to get? I expect nothing else.

You believe you shall have nothing else? I do not believe that I shall have any thing more.

You stated at the outset, that you never had been in service since you quitted the Princess of Wales, is that so, or is it not? I have been in no other service.

Mr. Brougham having handed certain letters to the interpreter,

The Earl of Liverpool suggested that the better course

would be first to read the original French, and afterwards a translation.

The Solicitor-General understood that the counsel on the other side meant to put questions upon the letters, so as to bring them within the rule laid down by the house.

The Lord-Chancellor said that time would be allowed the counsel till to-morrow morning to consider of the rule, and of the course they would pursue.

The Solicitor-General submitted that the questions were not to be put merely *pro forma*.

Mr. Brougham said, it was now very near the hour when their lordships usually separated, and the letters would occupy much time in reading. It might be well, therefore, to accept the proposal of delay until to-morrow, and the rather that the witness might not have access to the letters before she was examined as to their contents. He also again begged the attention of their lordships to the precedent in the case of the Duchess of Kingston.

The house adjourned at ten minutes before five.

FIFTEENTH DAY, SATURDAY, SEPTEMBER 2.

The House met at ten o'clock with the usual formalities.

The Lord-Chancellor re-stated the opinion given by the judges yesterday, and observed, that the queen's counsel having cited the case of the Duchess of Kingston, and pressed it on the consideration of the house as of importance to the final decision of the question, he and the judges had directed their serious attention to that case. The Duchess of Kingston had been prosecuted for bigamy, and, with reference to the point under consideration, his lordship and the judges had thought proper to consult not only the journals of the house, but also the printed account of the case; and the following was the result of their investigation:—His lordship here read the charge against the Duchess of Kingston, and a part of the evidence in support of it; he then adverted to the cross-examination of one of the witnesses, Judith Phillips, whose husband had been steward to the Duke of Kingston. From this cross-examination it appeared, that a coolness had existed between the duke and Phillips, who had been discharged from his office of steward. The witness had written a letter to the Duchess of Kingston, begging her to procure the restoration of her husband; and with respect to what had been done with this letter, he begged their lordships' attention. The examina-

tion was conducted by Mr. Wallace, a gentleman of great eminence in his profession, who produced the letter, and put to the witness the following question:—"Is that your hand-writing?"—"Yes; the name to the letter is mine." The next question put was—"Is that your letter?"—and the witness replied—"It is my letter." After this, the letter was read. It was written in terms of high panegyric on the Duchess of Kingston. The writer strongly expressed her anxiety for the happiness of the duchess, and entreated her to use her influence in her husband's favour. This letter was dated on the 7th of November, 1771. The witness was then asked, with a view to discredit her evidence, whether her husband had been discharged from the service of the Duke of Kingston; in answer to which, she said, that he had resigned his place. The Attorney-general, Mr. Thurlow, in order to counteract the effect of this letter of Judith Phillips, read two others; one from Mr. Phillips, tendering his resignation, and another from the duke, who was then at Newmarket, accepting it. These letters were dated in October, 1771. After the Attorney-general produced this resignation, it did not appear that Mr. Wallace had made any use of the letter he had proved to be in the hand-writing of Judith Phillips. No further notice was taken of it in the course of the proceedings, and it did not appear what had become of the letter. The circumstances his lordship had stated appeared in the printed report of the trial, but nothing on the subject of reading letters was stated in the journals, and it would appear that what had passed in this respect at the bar had not been regarded as a part of their lordships' proceedings. The letter had been read, but no use had been made of it; and, consequently, the circumstance neither tended to establish nor to contradict the opinion given by the judges yesterday. Their lordships' decision could not, therefore, be in any way affected by this case.

Then *Louisa Demont* was again called in, and further cross-examined by Mr. Williams.

To what place did you go when you quitted the service of the princess? To Switzerland.

Did you go to the house of your father and mother? I have no father, but I went to the house of my mother who is married again.

How long did you remain with your father and mother after you went there? About a year; a year and a month, about that time.

To what place did you go from thence, from your home? I went to Milan.

Was that to be examined as you described yesterday? Yes.

Where did you go from Milan? I returned to Switzerland, home.

How long did you remain at home upon that occasion? Nearly three months.

Where did you go to then? Here into England.

Who desired you to go to Milan, in order to be examined? Mr. Sacchi came to seek for me on the part of the commission.

Who is Mr. Sacchi? An Italian gentleman.

What is he besides a gentleman? I do not know what he is; he was a soldier (en militaire), but I do not know what he is at present; he was an officer.

Did you know of his being an officer? Yes.

Where did you know him before he came for you? In the house of the princess, or with the princess.

He also had been in the service of the princess, had he? Yes.

When he came for you, he was no longer in the service of the princess? No.

And at that time he was in the service of the Milan commission, was he? I do not know in what service he was.

Employed by them? I know that he came to seek for me, or fetch me, but I do not know whether he was employed otherwise.

What year was it that he fetched you to go to Milan to be examined? He arrived in the month of December 1818, and we left in January 1819; it is a year ago last December, that he came for me.

Then up to that time, if you are understood rightly, you had been living with your father and mother? Yes.

Then three months more with them, and then you came over to England? Nearly three months.

How long were you at Milan? About two months.

What was given to you for going to Milan, any thing or nothing? They gave me nothing but to pay my journey and my expenses; they paid my journey and my expenses, but nothing more.

Then after that time, when you were three months at home, you maintained yourself, did you; you lived upon your own means? Yes.

And all the time, from the leaving the service of the princess, till going to Milan? Yes.

If you are rightly understood, you have received nothing only your journeying expenses? Yes,—that is all.

You have supported yourself here also, have you? No, my expenses have been paid me here.

That is all, only the expenses? Yes, only my expenses.

If you are rightly understood, you said yesterday, that you had been examined only once at Milan before you came over to England? I was examined only once at Milan, but I was several days under examination.

Were those successive days together, or were they at different times? Following days successively.

Then in fact it was only one examination at Milan? Yes, at Milan.

Have you not been examined since you came to England? I have not been examined, I have been sworn once, but not examined.

When were you sworn? About two months ago.

By whom? By a magistrate, whom I do not know.

Where was it, what magistrate? I do not know the magistrate, but I was examined in the house of Mr. Powell.

Did you say sworn? Sworn.

Was it upon the subject of the evidence you have been giving in this place? Yes.

Then there was an examination in writing; was there a paper produced? I have seen my own paper.

Was not it there at the time? Yes, it was with Mr. Powell at that time.

Was it the same paper that had been written upon at Milan? I do not know whether it was the same paper, but it was my deposition.

It was your deposition which you signed, was it not? I have signed a deposition, but I do not know whether it was in the same paper.

Did you not sign that paper of which you are now speaking, to which you were sworn? I saw my deposition, but I do not know whether it was the paper that I signed.

You had it before you at the time you were sworn, had you not? Yes.

You heard the contents of it read, did you not? I did not hear the contents read.

But you saw the paper? I saw the paper.

Did not the paper contain your evidence? Yes.

And to that you were sworn by a magistrate? Yes.

Mr. Powell was the gentleman that examined you in Italy? Yes.

Did Mr. Powell examine you at any time in England? No.

Has he not often seen you in England since you arrived? Sometimes.

Has he seen you a dozen times since you arrived in England? Yes, more, I do not know how often.

That was not upon the subject of your evidence, was it? No, it was not upon the subject of my evidence.

During those visits that you describe, more or less, you had no talk upon the subject of your evidence, had you; do you mean to represent that? I cannot say we have said nothing about my evidence, because I do not recollect it.

At the time you were sworn, was there a book which you kissed? Yes.

You were regularly sworn, were you not? I kissed the book as here.

To the truth of your deposition which was then before you, was it not? Yes.

The witness was directed to withdraw.

The Attorney-general for the queen submitted, that the evidence of the witness could not be received after the statement that she had been previously examined on oath, for that might have an influence upon her mind in giving her evidence.

The counsel were informed, that this was not an objection which went to the competency of the witness; that at all events it could go only to her credit, but that would be for consideration hereafter.

The witness was again called in.

Mr. Williams stated, that, with the permission of the house, he proposed now to read two letters.

The Attorney-general for the queen proposed, that the letters should be read first in French by one interpreter, and then the translation read by the other; the interpreter who had read the letter holding it in his hand, and stating whether he agreed in the interpretation.

Then a letter in French, signed Louise Demont, addressed

to Mademoiselle Mariette Bron, at Pesaro, and dated Colombier, 8th February 1818, was read.

During the reading of the letter the witness remarked, that a person was named in it who might be exposed, by his name being made known. Mr. Brougham stated, that he had no desire that any person not connected with the proceedings should be introduced by the reading of the letter; and their lordships decided, that the name should be omitted in entering the letter on the minutes; and the interpreter was directed, if he should meet with any other name, not to read it until he had learned whether it was necessary that it should be stated.

Then Mr. Garston, the interpreter, produced a paper, and was asked--

Have you compared that in your hand with the original? I have.
And have found it to be an accurate translation? I have.

The original letter was handed to Mr. Pinario, and the translation was read by Mr. Garston.

Then a letter *, signed Louise Demont, addressed to her royal highness the Princess of Wales, and dated Rimini, the 16th November, 1817, was read in French, by Mr. Garston.

The translation of the same was read by Mr. Garston, Mr. Pinario comparing the original.

Then the witness was asked by *Mr. Williams*,—Who is the count to whom you allude in the letter first read? The Count Schiavini.

Was he at that time in the service of the princess? Yes.

Was that journal of which mention is made, a journal comprising the whole time that you were with the princess? I do not believe it contained the whole time.

State more particularly who that Madame Gaulisè is, to whom you refer in that letter? A Swiss lady, residing at Lausanne.

How near to Lausanne is the residence of your father and mother? Three leagues.

Madame Gaulisè is not a relation of yours, but some acquaintance or other that you formed at Lausanne? Yes, she is not my relation, but an acquaintance residing at Lausanne.

Where does your aunt Clara live, to whom you allude? At Colombier.

In the same place of course at which your father and mother reside? Yes.

Do you not, in that letter, speak of taking some refreshment at your aunt Clara's? I have already said that this letter was a double-entendre for my sister.

Is it true, or is it not, that a person unknown did desire to deliver you a letter? If I may have permission, I will explain every thing respecting that letter.

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* The above-mentioned letters were not (for the reason assigned) entered on the minutes of this day's proceedings; but in those of Monday, when they were duly authenticated, and received as evidence.

First of all, give an answer to the question—Is it true, or is it false, that an unknown person did desire to deliver you a letter? I have once received a letter without a signature.

Was that letter delivered by an unknown person, who came when you were at your aunt Clara's? I do not recollect whether it was at my aunt Clara's, but this letter was sent to me at Colombier.

Did that unknown person come and deliver the letter to you, either at your aunt Clara's, or not? I do not recollect where the letter was given to me.

Did any unknown person deliver to you a letter? I have said I received a letter at Colombier, but I do not know who delivered it to me, I do not recollect.

Are you now speaking of that letter to which you refer in the letter which has been read? It was a letter without a signature, but it did not contain what you *(the Interpreter)* have read.

Then it is not true that when you were taking refreshment at your aunt Clara's, you did receive a letter which proposed that you should go to London, and so on? I do not recollect whether I received it at my aunt Clara's.

Did you receive such a letter at all, aye or no? I have received a letter like that, but it had not the contents exactly of that which you *(the interpreter)* have read.

Did that letter you received contain any proposal to go to London? I wish to explain this letter.

Answer the question, and then you may do it; did you or did you not receive a letter that proposed to you to go to London? I received a letter which said to me, that if I would go to London I could be placed as a governess, if I were provided with letters of recommendation. I wish you would have the goodness to let me explain why I wrote this letter to my sister; I wish to go back to the time in which I was dismissed from her royal highness's service: I was to start the following morning, Mr. Pergami came into my room and said, that her royal highness wished to dismiss my sister also on account of me. I was very sorry for that, for my sister not having any fortune at home could not live at home. I begged Mr. Pergami to speak to the princess, in order that she might keep my sister: he promised to do it, and at the same time advised me to write a letter to her royal highness, because she was much offended against me, and to recommend my sister to her, and to ask her pardon. I wrote the letter at Pesaro. The following morning, when I parted with my sister, she recommended to me when I wrote to her to write to her nothing which could prejudice or hurt her; I promised that I would on the contrary do every thing in my power in order that she might keep her place; I wrote also to her royal highness the letter which has been seen from Rimini. I wrote to my sister several other times, and always in those same letters I spoke much of her royal highness, because I knew that they would be intercepted.—About the same time in which I wrote that letter, I had formed the idea of quitting Switzerland and coming into England, at the time that I received information that if I could set off, and have letters of recommendation, I should be placed here as a governess, at the same time being afraid that her royal highness would dismiss my sister, I wrote to my sister, and I dare not write freely for fear the letter should be seen: I said to my sister what has been read in the letter, only to let her know that if she were dismissed, I would find the means of placing her here, and that I would pay her journey; at the same time, I knew that since I had left the princess, she had always said that she was afraid I should

speak against her, and as I knew that the princess would read the lette also, I wished that she might be convinced that I would not speak against her even if I came into England. I have often had questions put to me in private conversations, and I have always avoided saying what took place in the house. This is the reason why I wrote that letter to my sister.

Have you given a full explanation in your conception, or have you more to add? I have said that I wished to pay the journey of my sister; the allusion to the banker was to say, that I wished to take the money which I had with my guardian and place it here, because they had told me the interest would be double, and if I had need of it here for my sister or myself, I should be able to make use of it.

Have you any further explanation; consider well before you answer? I wished by that to convince the princess, who doubted of my speaking of her, that though I should have questions put to me, money would not tempt me.

Have you any other explanation? I wish to think a little;—I must say also that at that time I felt a great degree of attachment to her royal highness, and grateful for the kindness she had used towards me, whilst I was in her house.

Any more? I do not recollect entirely all the circumstances respecting this letter, but that is as far as I can recall to my mind.

You saw the letter last night sufficiently to know it again, did you not? I have seen it, and I said I could know it again, but could not recall the whole of its contents.

But you saw the date of it, did you not, and the place from which it was written? I have seen two letters, but I have not remarked the date.

Did you not see it last night, when it was put before you? I saw two letters placed before me.

Did you not see the date? I do not know which of the two it was, as to the date.

Did you not see the dates of both? I have only seen Colombier, I have not made observation on the date.

But you did see the one that was written from Colombier, that you noticed? I have seen Colombier at the top of one.

When you went from this place last night, who accompanied you? A lady, one of my friends.

Do you mean to represent that nobody else has seen you since you were examined here last night? I have seen the people of the house, and the person who accompanied me, who is some one whose name I do not know, but who was sent to fetch me.

Did you not remain somewhere near to the place where you now are for some time before you went home? I went directly home.

Did you not stay near the place where you are now, before you went to the place where you reside, wherever it is? In going out hence, I went direct home.

The interpreter stated, that the term used might apply to the time of her going home, or to her going straight home.

In going hence, I went directly home, without going to any other place.

You are not asked whether you went straight home, whether you went out of your way; but whether you did not remain somewhere near this place before you set out to go home? I remained a moment in a room up here in the house.

How long did you remain in the room above? I do not recollect perfectly.

Do you mean to represent that you did not stay above a moment as your phrase is; do you mean to swear that you did not stay half an hour above stairs? I will not swear it; I may have remained there half an hour, perhaps, nearly.

Will you swear you did not remain there an hour? I cannot swear as to the time that I remained there.

What did you mean by saying this instant that you remained only a moment? I meant that I did not remain there long.

Will you swear you did not remain there two hours? I cannot swear as to what time I stopped there.

Do you mean to represent that nobody saw you in that room, except the person with whom you went home, and the woman whose name is not asked? I saw the lady who accompanied me home, and the gentleman who came to fetch me, in order to conduct me.

You just now asked for a little time when you were asked whether you wanted to give any more explanation; do you mean to represent that you have not been thinking of the subject of these letters ever since you were examined in the afternoon of yesterday? I have not passed my time in reflecting upon them, but I have thought about them.

Are you to be understood that you have been thinking of them, but not thinking of them all the time? I have not been thinking of them all the while, because on my arrival at home I retired to my bed-chamber.

What do you mean by the capital of Europe in the letter which has been read; do you mean London? It is so long since I wrote the letter, that I cannot exactly recall what I meant by it.

Having heard it read in the French, and also in English, do you mean now to represent that you do not know what you meant by the capital of Europe at the time you wrote that letter? It is impossible to recollect, since such a distance of time, what I meant by all the words; I cannot recollect; I have told you that it is so long since, I cannot recollect.

The following extract was read from the letter:

"Pas plutôt j'ai été partie de Pesaro, qu'on la sû avec toutes les circonstances dans la capitale de l'Europe."

What place did you mean to describe by the capital of Europe? I cannot recall to my mind what I meant by that expression, because it is often my custom to write in a double sense, and I sometimes call Lausanne and Colombier the capitals, in jest, in joke.

In your jest, have you been in the habit of calling Colombier the capital of Europe? I was often accustomed to call Colombier the capital, in writing to my friends, joking.

Whether you meant that place now in writing that letter, you do not know? I do not know now.

In your letter you say that you want money? Yes.

Was that so, or was it not? Perhaps I had no money at home; but if had want of money, I could ask it of my guardian who had it always.

Did you, or did you not, at the time you wrote, want money or not? I do not recollect whether I had money at home, but if I had need of it, I could ask it of my guardian; perhaps I had not money at home.

Do you mean that you were at all supported by your father and mother during the time you were in Switzerland, after you quitted the princess? I paid board to my mother for my maintenance.

You were not assisted in any way during all that time with money by any body? I do not recollect that any one lent me money.

Lent it, advanced it, or gave it? No one gave me money.

You mention in the letter a sister besides Mariette? Yes.

You were much attached to that sister, were you not? I was always much attached to her.

And that sister you wished very much to go into the service of the princess, did you not? My sister wished to travel herself.

Did you not wish her to go into the service of the princess? Yes, because she had often spoken to me to place her, to put her into a situation.

What was the age of that sister? Nearly nineteen, I cannot recollect exactly.

Was she then nineteen, or now? At that time.

What line of life is your step-father in at Colombier? He is a farmer.

Does he farm his own estate? He has a small domain, which he cultivates himself.

He is in tolerable circumstances, is he? He can subsist only in working hard, he and my mother also.

Does he not maintain himself by his labour? Yes.

He lives in a small cottage, does he not? A small house.

And has some family living with him now, has he not? My mother and two daughters.

Re-examined by Mr. Solicitor-general, through the interpretation of Mr. Pinario.

Did you say that your father had any property of his own? My father has some lands which belong to him.

Is that the land which he cultivates? Yes.

Is it with that land and with that labour that he maintains himself? Yes.

Have you yourself any property? Yes.

To what amount in the year? Something about fifty Louis.

Is that the annual amount of the income which you have? Yes.

Is your sister Mariette still in the service of her royal highness? Yes.

Has she any thing of her own, except the wages which she receives from her royal highness? She has nothing but what she receives from her royal highness.

Is she your own sister, or your half-sister? By the mother's side only.

You stated yesterday, that you were dismissed for saying something which was not true—that in effect it was not true; explain the circumstances of your dismissal, and for what cause it was you were dismissed from the service? I was dismissed the service of her royal highness, because she had been told that Mr. Sacchi had given out that her royal highness was in love with him, and that it was I that had told him from the princess. I wrote a letter to Mr. Sacchi; this letter was taken up at the post; and because I said at the end of the letter, that the princess loved and esteemed Mr. Sacchi as before, ("*aimoit*" has two senses), as in the former time; I explained to her royal highness that I did not mean at all that it was love, but that her royal highness liked Mr. Sacchi in the same manner as other persons in her household. After this letter I was dismissed, because her royal highness thought that it meant love; and yet it was not love at all that I intended.

What were the expressions which were canvassed by her royal highness, the particular expressions which you allude to? As far as I can remember, I said in the letter that her royal highness loved in the sense

I have explained, and esteemed Mr. Sacchi as in former time; the words that I used were "*aimoit et estimoit comme dans le tems passé.*"

Where was that letter written? At Pesaro*.

That letter in which those words were used, "*aimoit et estimoit comme dans le tems passé?*" Yes.

While you were writing that letter, did any person come into the room? Yes, Mr. Pergami.

Did he see you writing? Yes.

Did you afterwards yourself go to Pesaro? I went myself to Pesaro with the letter.

Was any person appointed to go with you? My sister and Mr Hieronimus were to go with me.

After Pergami came into the room, was any other person appointed to accompany you? Mr. Pergami came again into my room, and told me I was to go with his cousin Pergami, who was going to Pesaro.

Did his cousin Pergami accompany you? He accompanied me as far as Pesaro.

Did you put the letter into the post-office yourself? Myself, with my hand.

Did you, on the following morning, see that letter in the possession of any person? Yes.

In whose hands? In the princess's hands.

Did you afterwards write a second letter? Yes.

Did you afterwards see that second letter? I saw it a long time afterwards.

When you were writing that second letter, did you communicate the contents of it to any person? To nobody.

(By a Lord.)—To whom was that second letter addressed. It was not addressed to Mr. Sacchi, there was another name; I do not recollect whether it was Penchaud or not.

You have stated, that you did not communicate the contents of that second letter to any person; did her royal highness afterwards say any thing to you about the contents of that second letter? It was after this second letter that I was dismissed.

Did her royal highness mention any part of the contents of the second letter to you? I do not recollect that she mentioned about the second.

Did you ever, on any occasion, state that her royal highness was in love with Sacchi. No.

Was the charge that was made against you true or false? It was not true.

At the time when this letter was produced to you the following morning by her royal highness, was any person in the room with her royal highness? There were several other persons.

Where was Mr. Pergami? In the same room with her royal highness.

To what place was that letter addressed which you put into the post-office? It was addressed to Milan.

How far is it from Pesaro to Milan? I think one may travel in two or three days by the post.

The question refers to the letter you yourself put into the post-office? Yes.

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* The answer to this question was not audible below the bar; but it should seem from some of the subsequent answers, that the letter must have been written at Como, or Villa Vittoria, or Villa Pesaro; and not at the post-town of that name, which is at a short distance from all the three villas above-mentioned.

A letter produced here is dated from Rimini? Yes.

Did you write that letter at Rimini? I wrote that letter at Rimini.

How long was that after you had left her royal highness's house? It was the same day.

Besides the letters which have been produced here to-day, have you written other letters to your sister? I have written other letters to my sister.

Can you state about how many? Five, six, or seven; something like that.

Whilst your sister was in the service of her royal highness? Yes.

Did your sister correspond with you and your mother? We never had any news from my sister.

What do you mean by saying you never had any news from your sister? That my sister did not answer my letters.

Did you or your mother receive any answer to the letters which you sent to your sister from any person? From some other person that wrote in the name of my sister.

Who was that other person? I cannot positively say.

Do you know the hand-writing of her royal highness the Princess of Wales? Yes.

Is this one of the letters *(a letter being shewn to the witness)*? Yes.

Is that letter in the hand-writing of the Princess of Wales? The hand-writing resembles very much that of her royal highness the Princess of Wales.

Have you ever seen her royal highness write? Very often.

You are not asked positively to swear that this is the hand-writing of her royal highness, but do you believe it to be her hand-writing? I believe it is her hand-writing.

Did you or your mother ever receive any letters written in the hand-writing of your sister? My mother received a letter from my sister, while I was at Milan.

In the hand-writing of your sister? In the hand-writing of my sister.

You have stated that Mr. Pergami was present at the time that her royal highness produced the letter, which you had put into the post office? Yes.

Can you state what he said in the presence of her royal highness at that interview, when they were talking about your dismissal? Respecting the letter he said, that it was true I had said the princess was in love with Mr. Sacchi. I made a proposal to the princess, to write to Mr. Sacchi, in order to have the truth from him, and Mr. Pergami opposed it.

What else did he do? Mr. Pergami accused me of having passed a night in the corridor with Mr. Sacchi. I said that my sister was present, and might declare that I had slept with her.

Was your sister present? My sister was there.

Had you slept with your sister? I had slept with my sister.

Was that charge which was made by Pergami true? It was not true.

Was any thing more done upon it? No.

You have been asked whether two months ago, or at any former time, you took an oath to your deposition? Yes.

Who applied to you for that purpose? To make me swear to my deposition, Mr. Powell.

For what purpose was it to be used? I do not understand the purport of the question.

Did he tell you for what purpose you were to take the oath, what was to be done with it? I do not recollect what Mr. Powell said to me.

As nearly as you can recollect, and try to recollect with accuracy, how long was it ago? As far as I can recollect, two months, or something more than two months.

Do you know whether it was after the queen had arrived in England? Yes.

About how long after her arrival? I do not recollect nearly what time it was, I do not know what time it was that the queen arrived.

Though you do not know what time it was that the queen arrived, do you know how long it was after the queen had arrived, that you took this oath to the deposition? I believe it was not long after the queen's arrival.

Have you ever heard of a Committee of the House of Lords? Yes.

Was it after you had heard of that? I rather think it was after.

Before you took that oath, was the deposition read over to you, or did you yourself read it over? I read it myself.

Now, to go back for a moment to Naples, you have mentioned that you saw Pergami in the small corridor in his shirt, and that you went out of the door from the corridor? Yes.

Did you observe any thing done to that door after you went out of it? I saw that they shut the door.

Mr. Garston.—The words were, "Je vis que l'on fermait la porte."

When you say, that you saw that they shut the door, on what side was the door shut, on the side that you went out, or on the side of the corridor? It was shut on the inside.

When you say it was shut, do you know whether it was locked or not? I mean to say, that when they shut the door, I heard them give a turn to the key.

Mr. Garston.—"The words are, 'I heard that the key was turned.'"

You have stated, that you made the beds at Naples; how long after the arrival of her royal highness was it that you began to make the beds? Nearly two months after our arrival.

Who was it that made the beds up to that time? Annette Preising.

How long did you continue to make the beds? All the time that I remained at Naples.

Did you afterwards continue to make the beds at Genoa? For some time.

For how long? Until my sister arrived, nearly one month.

Did you make the beds after that? No.

Was it in the whole about three months that you continued to make the beds? Nearly so.

You have stated, that Hieronimus's room at Naples, opened into the corridor; was the corridor, into which that room opened, the small interior corridor, or some other corridor? It was another corridor.

Was it a private or public corridor, or passage? It was a corridor through which you passed to go to her royal highness's room, and through which passed Mr. Hieronimus, Mr. William, and myself, to go to our rooms.

You have stated, that on your first arrival here, you went by the name of Colombier; why did you go by that name? In order to be more quiet or peaceable here.

Since the arrival of the queen, have you seen Hieronimus? I have seen Mr. Hieronimus on the staircase where we lived.

When was that? When we were in Dean-street.

Did he call upon you? He called twice in the same morning.

How long is that ago; as nearly as you can recollect? Seven weeks nearly.

Were those the only times he called upon you? No.

In what situation in her royal highness's household was Monsieur Schiavini? A little time he was master of the ceremonies.

The following question was put by the Lord-Chancellor, at the request of the Solicitor-General:

When the servants quitted the service of her royal highness, did any person in her household usually give them characters? Yes.

Who was that person? Several times I believe it was Count Schiavini.

EXAMINED BY THE LORDS.

You have alluded in the course of your examination-in-chief to a large bed in the princess's room at Naples; I wish to know what was the state of the bed on that occasion? I said that I could not describe it, because I might have had to make use of terms which were not decent.

State distinctly what was the state of that bed? The bed-cover was extremely pressed down in the middle, and there were things upon the bed which I had never seen before.

Were those on the outside cover of the bed or the inside? Upon the cover.

Did you make any further observation? No.

Do you know for what purpose Hieronimus came to you in Dean-street? I do not know exactly for what object he came, because he spoke only to my sister.

Was your sister in Dean-street? Yes.

You have said that at the theatre of Saint Carlos the princess's dress was ugly, monstrous; what did you mean by those terms? Because the habiliment of her royal highness had no shape at all; it was a great cloak of common red stuff.

Did the princess come down to the pit with that cloak on? Yes.

You have said that you yourself made many observations on what passed at the balls at La Barona? Yes.

What was the nature of those observations? I said, that during the evening the women who were at the ball went out with the servants all about the house, and I also saw them going into the upper rooms.

Did you make any particular observations on what passed at the balls themselves? Not in the ball-room itself.

On the night at Scharnitz, when you were ordered to take your bed and leave the room where the princess slept, where did you pass the remainder of the night? In a room where there were the Countess Oldi and my sister.

Did you go to bed again? I laid my bed on the floor, and laid down again.

Dressed or undressed. I was half-dressed.

How long did you remain there, before you set out in the morning? Four or five hours nearly, as far as I can recollect; I cannot say precisely.

The following extract was read from the letter, dated 8th February, 1818:

"Tu vois, ma chere, avec quelle promptitude les ennemis de notre genereuse Bienfaitrice agissent toujours; il faut qu'il y ait toujours des espions auprès d'elle, car pas plutôt j'ai été partie de Pesaro qu'on la sû avec toutes les circonstances dans *la Capitale de l'Europe.*"

What did you mean by that passage in the letter? I have already said that it is so long since the letter was written that I cannot recollect.

Was that true or not? Many persons had informed themselves about her royal highness in Switzerland, where I was, in private conversations.

You meant then to state, as of your own knowledge, that the princess had enemies who were acting bitterly against her, and that she was surrounded by spies? The princess herself had told me that she had spies and enemies.

But that letter was written at Colombier; were you not speaking then of what you knew yourself? I knew nothing myself; I spoke what she had said to me.

Here a long extract was read from the original letter.

You have now heard the letter read; is not the assertion that the princess's enemies acted with bitterness, and that she was surrounded by spies, founded upon the fact that you have just stated, and not upon what the princess had told you? It was upon what the princess had said to me, that she was surrounded by spies and enemies.

Is not the statement of the fact of the application to you at your aunt Clara's immediately followed by that in which you have said that the princess is surrounded by spies? I have already told you that this letter was in allusion that it had been written to me that I might come to England and get a governess's place, if I had letters of recommendation.

When you wrote that letter, did you think that the fact you have stated furnished any proof of the princess's being surrounded by spies? No; because the fact which I have stated had not taken place.

Are you to be understood that the fact, as stated in your letter, was not true? I had received such a letter, the letter alluded to, and what I added was a double-entendre for my sister.

Do you then mean by double-entendre, that you added what was false to what was true? I added something.

Something which was false? I did not do that in order to say something which was false, but I did it expressly that my sister might understand me, because I could not write freely to her.

What did you expect your sister to understand by this addition to what was true? I wished my sister to understand, that if she had been discharged by the princess I should have means of placing her here.

And it was necessary for that purpose to say that a person had offered you money upon the pretext of making you a governess, which would enable you to make a brilliant fortune in England? By my mentioning money I meant to say that I would pay the expenses of my sister's journey to England, because I have always said, if my sister was dismissed by the princess, I would pay the expenses of her journey to England.

Was it necessary also, upon that statement, to add, "you see that

the princess is surrounded by spies," for the purpose of making your sister understand it? I do not know whether it was necessary, but I did it expressly that my sister might understand me.

What your sister would understand from the statement that the pretext for being sent for as a governess was false, and that the princess was surrounded by spies, was simply, that you would pay the expenses of her journey to England? And also to tell her that I should have the means of getting her a place in England, because, before I quitted the princess, my sister told me that she did not wish to quit, because, if she did, she should not know where to get a place.

You have stated that you wrote to your sister in this mysterious manner because you were afraid your letter would be intercepted? Yes.

Of course, you avoided stating in that letter that which would expose any person? I would not positively say to my sister what I meant, because I was afraid she would be discharged after the letter would have been seen.

But in a letter which you were afraid of being intercepted, would you write any thing which you thought would expose any person? I did not think at that moment that it might do harm, or expose any person.

You were not afraid of the name of that gentleman being seen by the persons who might intercept that letter, which you wished not to be mentioned to-day? I had no objection, because I knew that the gentleman would not come to the knowledge of it; but I knew that what was read to-day would be in the public papers; and now that this gentleman is married, I should not wish him to know what has passed; I should not wish his wife to know it.

You are understood to state, that you were anxious your sister should still continue in the princess's service? I wished her to remain, but I was afraid she might be discharged, because I had been told so.

But you were anxious she should still remain in her service? Yes, at that time.

Notwithstanding what you had seen at the balls, at the Barona? It was for particular reasons, because my sister could not remain at her home.

Had you any reason to believe that the princess was in fact surrounded by spies? I never saw any spies in the house, that I knew as such.

Did any one in effect write to you to invite you to come to England, by which you might make a brilliant fortune in a short time? Somebody wrote to me to Switzerland, that I might come over to England, and that I should get a good place, that I should be comfortably placed with letters of recommendation.

Did any person write to tell you, that if you came over to England on this business, you might make a brilliant fortune in a short time? That is not what was written to me, but it was an allusion I made, intended for my sister.

Then it is not true that any such offer was made to you? Such an offer was not made to me, but I did not think I did any harm in writing so, because it was an allusion for my sister, and that I did not think it would do harm to any body.

In point of fact, was such an offer made; yes or no? I tell you no such offer was made to me, not exactly as I said an offer.

Was any offer to that effect made to you? As I said before, it was written to me that if I came to England I should be placed advantageously as a governess.

With reference to what passed at Scharnitz—when you were directed to leave the princess's room, and you left her in bed, was the princess

then dressed in the riding-habit you have described? I had seen the princess dressed in that habit during the day when she was in bed, but I do not recollect whether she had it on in the night.

Had you assisted to take off any part of the clothes of the princess during that night? I do not at all recollect that I assisted her.

With reference to what passed on board the polacca, when you descended into the room where the princess was supposed to have taken her bath, did you perceive that in fact the princess had bathed, from wet linen lying about, or any other symptom? I saw a bath, and the princess told me that she had bathed, and advised me to bathe also, because it was hot, and that it would do me good.

Did you perceive wet linen lying about, as if the princess had been in the bath? I do not recollect seeing any linen.

Did you find the princess in the same cabin in which the bath was when you went down? The princess was in her own cabin where her bed was.

But not where the bath was? As far as I can recollect, but I cannot be sure positively, the bath was in the dining-cabin.

You have stated, that the reason of writing in that mysterious manner, which has been alluded to, was for fear of these letters being intercepted? Yes.

Had you previously given any clue to your sister, or was there any understanding between you and your sister, in what manner she was to understand this mysterious manner of writing, without other persons being acquainted with it? I do not recollect whether I had said any thing to my sister concerning that, but the morning that I set out we concerted together, that we should put marks in our letters that nobody was to understand but ourselves; she told me that she would begin in the first letter that she would write to me, that she would use some mark at the foot of the letter, but I do not recollect exactly what it was.

You have said, that you think the bath was in the dining-room, was there not more than one occasion on which the princess used the bath? The princess bathed on more than one occasion.

You recollect more than one occasion? I recollect only two.

On one of these occasions was the bath in the cabin? I know that I bathed in the cabin, but I do not know whether her royal highness bathed in the same cabin; I saw that the bath was in that cabin.

By whom did you suppose that the letter you wrote to your sister would be first read? I believed that my letter might be read by Mr. Pergami or by the princess.

Did you suppose, that either Pergami or the princess were acquainted with the names of the supposed persons mentioned in that letter? I believed that the princess had seen Monsieur ———, but I did not know whether she knew his name.

Had any other circumstance occurred, except that which you have stated relative to the letter at Pesaro, to induce you to believe, that the letters you wrote to your sister would be intercepted? Because my sister had written to my mother a letter, which had been put into the post at Pesaro; it had been taken up at the post-office, and then put back again into the post, and something had been altered in the letter, and my sister said that she had no news from us.

Did that happen while you were at Pesaro? While I was in Switzerland.

You state, that at Catania you saw the princess come out of the room in which Pergami had slept, with a pillow under her arm; was your sister present at the time? As far as I can recollect my sister was in the room.

How long had you been in that room without leaving it? I had not been out at all that morning.

How long had you been awake? About two hours.

You state, that at General Pino's you saw Pergami go into the princess's bed-room, and that you do not know how long he remained there, for that you fell asleep; as nearly as you can state, what time elapsed between your seeing Pergami and your falling asleep? As far as I can recollect, it was nearly a quarter of an hour, or half an hour, before I fell asleep.

At Naples, when you saw Pergami come in his shirt towards the princess's room, how far were you then from the door by which you escaped? Nearly four or five paces.

How far was Pergami at the time from that door when you first saw him? I cannot say precisely, but I believe it was about ten or eleven paces.

Could Pergami have entered the princess's room otherwise than by the door by which you escaped? He had not need to pass through that door, he might have gone directly to the room of the princess.

On board the polacca, when on the voyage from Jaffa, when the princess was sleeping in the tent on the deck, did you ever see Pergami's bed made in the dining-room, as you passed through that room every other night in your way to the princess's room in which you slept? I have seen a bed in the cabin, but I cannot say it was Mr. Pergami's, because I have seen other persons sleep there.

Did you ever see Pergami sleep there? Not after leaving Jaffa.

The following extract was read from the preceding part of the evidence:

"Had you previously given any clue to your sister, or was there any understanding between you and your sister in what manner she was to understand this mysterious manner of writing, without other persons being acquainted with it? I do not recollect whether I had said any thing to my sister concerning that, but the morning I set out we concerted together, that we should put marks in such letters that nobody was to understand but ourselves; she told me that she would begin in the first letter that she would write to me, that she would use some mark at the foot of the letter; I do not recollect exactly what it was."

Did you ever receive a letter from your sister containing the mark which you had agreed should be communicated through your future correspondence? I have only received a letter from my sister, but I do not recollect whether there was any such mark—the letter which I mentioned before, which had been taken up at the post.

If, then, you did not receive from your sister the mark that it was agreed upon between you should be annexed to her first letter, why did you conceive that your sister would be enabled to comprehend the double meaning contained in the letter which has been shewn to you, without that mark which had been agreed upon between you being annexed to it? We had not agreed upon that mark, as far as I can recollect, on this account; but my sister told me, that when she would write to me, she would put a mark at the end of her letter.

If you then did not receive from your sister the mark that it was agreed upon between you should be annexed to her first letter, why did you conceive that your sister would be enabled to comprehend the double meaning contained in the letter which has been shewn to you, without that mark which had been agreed upon between you being annexed to it? I believed my sister would understand me, but I do not recollect

for what reason I believed so; it is so long since this occurred, that it is impossible I can exactly recollect.

You are understood to have stated, that you had received a letter, inviting you to go to England, where you might have an opportunity of being placed in some situation as a governess, that would be advantageous; was that letter anonymous or signed? That letter was not signed.

In what language was it? As far as I recollect it was in French.

By whom was that letter delivered to you? I have already said, that it was delivered to me at Colombier, but I do not recollect by whom.

Can you state, whether it was delivered by the post or by an individual? I do not recollect by whom it was delivered.

State, yes or no, whether it was by the post or by an individual? I do not recollect it.

Do you recollect from whence it was dated? I do not recollect it.

In point of fact, did you know, or had you reason to think you knew, by whom that letter was addressed to you? At this moment I cannot say, whether I had an idea at that moment from whom it came. It is two years since this occurred; I never thought of it afterwards; and I cannot recollect.

Did you return any answer to it? I do not recollect making any answer to it; I do not recollect that I made any answer to it.

Can you state, whether there was any thing contained in that letter besides the fact you have stated, of the proposal to you to go to England as a governess? I do not recollect whether there was any thing else.

Have you the letter now in your possession? I have it not here, and I do not believe I have it at Colombier, because when I quitted Colombier I burned my letters; not all my letters.

Was it the information contained in that anonymous letter which induced you to think of coming to England as a governess? I had already had thoughts of it before.

Have you made any endeavours to get a place as governess since you came to England? No.

Was the letter which your sister wrote, which was opened and then put into the post again, directed to you or to your mother? I cannot positively say, but as far as I recollect it was addressed to my mother.

Is that the letter which you said was the only one received from your sister, which your mother received at the time you were at Milan? I heard that it was the only letter which had been received before I wrote this one (the letter of the 8th Feb. 1818.)

Was it received when you were at Milan? No, before; after this one was written my mother received two or three letters from my sister.

Which letter did your mother receive at the time you were at Milan? That was another letter.

Can you say, in all, how many letters your mother received from your sister after you quitted Pesaro, before you left Switzerland? I cannot say exactly how many she received, but I know she did not receive many.

Did she receive five? I do not know,—I cannot say positively how many she received, it is impossible.

Do you recollect, that in part of the voyage up the Levant, Pergami slept in the eating-room, and the princess in the room adjoining? Yes.

You have said, that upon two occasions, when they were both in bed, Pergami in the dining-room, and the princess in her cabin, you saw them speaking together, have you not? Yes.

What did they say? I cannot recollect what they said, but they spoke together.

Do you remember saying, that at Utica you went to the threshold of the door of her royal highness when she was in bed, and Pergami in the room, and that she asked you for something. Yes.

What did she ask you for? It is impossible for me to recollect at present what she asked me for.

You perfectly well recollect that she did ask for something? She asked me for something, I recollect.

And you do not recollect what? I do not recollect what it was.

Do you remember saying, that at Jerusalem Pergami came into the room, and threw himself on the bed, in a jesting way? Yes.

Was the princess there? Yes.

What did Pergami say or do upon that occasion? I only saw that he laid himself down on the bed laughing.

That you saw nothing, but that Pergami was on the bed and was laughing? Yes.

Your attention is directed to the night when you saw Pergami with a candle in his hand; how many paces was the door of the princess's room from the door at which you made your escape? I cannot say positively, I do not recollect, but it may have been three, four, or five paces.

If there had been any wet linen in the bath-room on board the polacca, which the princess had used, would it have been your business to have taken it away? Either my business or my sister's.

When you went into the bath-room, did you, in point of fact, observe any marks whatever of the princess having used the bath? I only recollect seeing the bath.

Were you sincere in the praises of the princess when you wrote that letter which has been read; do you mean that the whole letter was a double entendre, or that only certain passages of that letter were a double entendre? There were only some passages of the letter, because when I wrote that letter, I was extremely attached to her royal highness, and I was willing to speak of the extreme kindness with which she had treated me.

Were you sincere in those parts of your letter which speak the praises of the princess? In speaking of the personal qualities, how she was good and patient, i was sincere.

Is there any praise bestowed on the princess in this letter in which you were not sincere? I do not recollect whether all of them we sincere, but I recollect that the greater part were sincere.

You have said more than once, that at the time you wrote that letter you were much attached to her royal highness; when did that attachment cease? This attachment ceased when I heard that her royal highness had said several things of me in the house of her royal highness; that several things had been said of me in the house of her royal highness.

Was it in consequence of that attachment having ceased in the manner you have described, that you have been induced to come into this house to give your evidence? No.

What is your inducement to come? I was asked to come to declare the truth.

By whom? By Mr. Sacchi, on the part of the commission.

You have spoken to the state of the outer covering of the large bed at Naples, do you recollect the colour of that covering? Yes.

What was the colour? White.

You are quite sure? White was the bed-cover.

The outer cover, not the sheets? Yes, the outer cover.

On board the polacca, on the return from Jaffa, you say there was a communication between the tent and the dining-room, was that communication open or closed during the night? The communication descended into the dining-cabin.

Was it open or closed during the night? It was open during the night, from the upper deck.

In speaking of the bath which was prepared for the princess on board the polacca, you mentioned not having seen any linen; state whether that bath was fresh water, or salt water? I do not know whether it was fresh or salt water; I do not recollect.

Do you happen to know whether, in that part of the world, it is usual for persons to use linen on coming out of salt water? I do not know whether it is usual to make use of linen in coming out of a salt water bath.

Was the communication you have spoken of, between the tent on deck and the cabin below, always open, or only occasionally open? I cannot recollect whether it was open every night.

Did you ever see it shut at night? I do not recollect seeing it closed at night.

The witness and the counsel were directed to withdraw, and the Court adjourned.

SIXTEENTH DAY, MONDAY, SEPTEMBER 4.

The Lord-Chancellor took his seat, and the usual forms being gone through, counsel were called to the bar.

Mr. Brougham proposed that translations of the letters of Louisa Demont, which had been read on Saturday should now be put in, certified by the translators.

The two French translators, Mr. George Pinario, for the king, and Mr. Edgar Garston, for the queen, were called in and sworn. Being asked whether they had together compared the translations with the originals, and agreed upon the translations now produced, they answered in the affirmative.

The copies of the letters, and the translations of the same, were delivered in, and are as follow:

" *Colombier, 8th Feb.* 1818.

" Dear and good Mariette,

" Although you have not said four words in your last letter, yet I love you too well not to pardon you for it, and it is with real pleasure that I reply to you. I am enchanted, my good sister, that you are perfectly happy; but I ought not to doubt it, so well as I know the extreme goodness of her royal highness, and of all those with whom you may have any thing to do. Endeavour to preserve always such valuable kindness, by continuing the same way of life which has procured it for you. May experience not be useless to you! and keep always before your eyes the trouble which arises from folly and inconsistency; you have lately had sufficient proofs of that.

" You will no doubt be very desirous of knowing what is my situation in our little country. I assure you, my dear, I have been received in

such a manner as you could have no idea of; I have been fetée *, sought after, and received every where with the greatest cordiality, at Lausanne, at Morger, at Cassonay. I passed a whole month at the last town, where every possible amusement was procured for me. You know how fond I am of going on a sledge †. Well! every day we made a party for it; at the beginning of the new year we had a delightful masked ball; the following week two more dress balls, the best that have been in this town; and a number of other evening dancing parties, given by my friends on account of me; in short, every day brought some new parties and new invitations. Can you conceive that in the midst of all these numberless pleasures I was sad and silent; every one quizzed me on my indifference; I who, said they, used to be so gay before my departure, I was not to be known again; but spite of all my endeavours I could not get the better of myself. Can you not, my dear, divine the cause of all my deep sadness? Alas! it was only the regret and grief at having quitted her royal highness, and at knowing that she had mistaken my character, and taxed me with ingratitude. Oh God! I would surrender half my life, could she but read my heart; she could then be convinced of the infinite respect, the unlimited attachment, and perfect gratitude, I shall always entertain for her august person. I should much have wished, my dear Mariette, to have written to the count, to thank him for the kindness he has shewn me, but I am afraid to trouble him; tell him that the few lines which he has had the goodness to write to me, have in fact afforded me a little tranquillity, since they made me hope for pardon. I was afraid her royal highness would be still displeased at the turn I had given to my journey; judge then of my happiness, when I learnt that she was not at all angry at it, but on the contrary gives me leave for it: in truth, this pretence has been very useful to me; for you are sufficiently acquainted with the world to suspect that I have been assailed with questions, particularly by *great folks;* for I am not vain enough to think that I have been sought after so much only on account of my fine eyes, and that a little curiosity had no part in their eagerness to see me. Ah! why was not the spirit of her royal highness at my side? she would then have found whether I be ungrateful. How often in a numerous circle, whilst with all the enthusiasm which animated me, I enumerated her great qualities, her rare talents, her mildness, her patience, her charity, in short, all the perfections which she possesses in so eminent a degree. How often, I say, have I not seen my hearers affected, and heard them exclaim, How unjust is the world to cause so much unhappiness to one who deserves it so little, and who is so worthy of being happy!

"You cannot think, Mariette, what a noise my little journal has made. It has been, if I may use the expression, snatched at; every one has read it. Madame Gaulisa begged me to let her carry it to Lausanne; all the English who were there at that time wished to see it; I have been delighted at it, for you know I spoke in it a great deal of the best and most amiable princess in the world. I related much in detail all the traits of sensibility and of generosity which she had shewn—the manner in which she had been received, applauded, cherished, in all the places we had visited. You know that when this august princess is my subject I am inexhaustible, consequently my journal is embellished with and breathes the effusion of my heart; my greatest desire having always been, that the princess should appear to be what she

* Fetée, received with parties.
† Aller en traineau.

really is, and that full justice should be rendered to her. I assure you that although distant, it is not less my desire, and that I shall always endeavour with zeal that such may be the case, and as far as my poor capacity will allow. As you may well judge, it is not to make a merit of it, since she will always be ignorant of it, and even suspect me of ingratitude, but it will only be to content my heart, which would find a sweet satisfaction in this charming success.

"But I had almost forgotten to confide to you a thing which will surprise you as much as it has me. The 24th of last month I was taking some refreshment at my aunt Clara's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went down stairs, and desired him to come up into my room. Judge of my astonishment when I broke the seal; a proposal was made to me to set off for London, under the false pretence of being a governess. I was promised *a high protection*, and a most brilliant fortune in a short time. The letter was without signature; but, to assure me of the truth of it, I was informed I might draw at the banker's for as much money as I wished. Can you conceive any thing so singular! Some lines, escaped from the pen of the writer, enabled me easily to discover the cheat, and I did not hesitate to reply in such terms as must have convinced him I was not quite a dupe. Notwithstanding all my efforts, I could draw no eclaircissement from the bearer; he acted with the greatest mystery. You see, my dear, with what promptitude the enemies of our generous benefactress always act. There must always be spies about her, for no sooner had I left Pesaro than it was known with all its circumstances in the capital of Europe. They thought to find in me a person revengeful and very ambitious; but, thank God, I am exempt from both those failings; and money acquired at the expense of repose and duty will never tempt me, though I should be at the *last extremity*.

"The Almighty abandons no one, much less those who do that which is agreeable to him. *A good reputation is better than a golden girdle.*

"Since I have introduced the subject of money, my dear sister, I must give you some advice. Economise as much as possible, retrench every superfluity; did you but know the regret I feel in not having done so! I do not think I ever was guilty of extravagance, but I have not deprived myself of many things which were almost useless to me. You know that every one here, as elsewhere, fancies the Princess of Wales throws her money out of the window, and I am supposed to have returned with a considerable fortune; from a species of self-love, and to extol still more her generosity, I do not try to undeceive any one; consequently, though I have great need of money, I have not yet dared to ask my guardian for any: I know how to be moderate, and run into no expense. I have time to reflect, and to think that if I had always acted in the same way, I should not be in the situation in which I am; every one should economise as much as possible against the time when one can no longer gain any thing. Profit by the lesson I have just given you, and be assured it will be salutary to you, for I speak from experience. You will know Mr. Le Notte has not delivered the parcel; I wrote to him at Milan, and at Paris; I expect his answer one of these days. If it should be lost, it would be very disagreeable, as the cloth costs a great deal; if I had known, it should not have been purchased, as my mother has a good spencer, and might very well have done without it. I regret also the velvet very much, of which I have shortened myself for my hat, in making it much smaller; besides, we did not get that either for nothing, and the three louis are well worth lamenting, without reckoning the other baubles; all that does not come by whist-

ling for it; a sous here and a sous there soon make a livre, and twenty-four livres make a Napoleon; you see I am become an adept in arithmetic. I will answer for it, however, that Mr. Le Notte* shall have the goodness to make all good if he have lost any thing. I shall shew him no favour, and have written to him in such a manner as sufficiently shews I am not very well satisfied with his negligence.

"But, my dear Mariette, I perceive I have almost finished my letter without speaking of our dear relations: our good mother is tolerably well, though her asthma and pains in her bowels torment her sometimes, but nothing compared to what she has suffered this summer. Your father is very well. Henrietta is always charming; I give her every day lessons in writing and reading; she sews very well, and irons as well; she has already ironed several frills for me, and some gowns, with which I am very well satisfied. Her desire of travelling is the same; pray try to get her a situation; I am convinced she will give you no cause to regret it. She is much altered for the better; she is gay, and always in good humour; mild, obliging, in short, of a character to make herself beloved wherever she goes, for she has an excellent heart, and knows how to be contented in all situations. Margaret is entirely amiable, of a pretty figure, and so lively that she makes one half dead with laughing: Louisa is also very genteel. I assure you, dear Mariette, they are all changed very much for the better, and I am quite contented with them.

"I have been, since the month of January, in my favourite chamber at Colombier, where some repairs have been done; for example, a very good chimney, and a small cabinet wherein I sleep. I often make little excursions in our environs, and frequently receive visits, which afford me some amusement. I think I hear you say, Well, dear Louisa, what do you meamto do? Won't you marry? What does Mons. ——— do? I will tell you, word for word; I every day feel more and more repugnance to marriage. Mr. ——— has done all in his power to induce me to accept a heart which he says, he has preserved for me these seven years. What heroical constancy, and little worthy of the age in which we live. I have not, however, been dazzled by it, and although he be rich, charming, and amiable, I would not retract the refusal I gave him four years ago. If this amuse you, I will tell you I have several other lovers, not less desirable than he; I am very foolish perhaps to refuse them, for they are infinitely better than I am; perhaps I may one day repent it. You know the Proverb "qui refuse muse," (he who will not, &c.) but I cannot do otherwise; recent events have created in me a sort of antipathy to all men. I can have no ties, no communications, with any of them. I love and cherish sweet liberty alone, and wish to preserve it as long as I can. Dear Mariette, I conjure you, imitate my example, never think of marrying. My mother and I forbid it as long as her royal highness shall wish to keep you in her service. You can have no greater happiness, it is impossible. Beware of forming any attachment or tie with any one; you are too young for that; remain free; be assured you will be a thousand times more happy. I do not recommend prudence to you, because I know you too well to distrust you, and to suspect you do not possess it; for whatever may have been said of me, I would have died rather than abandon it for an instant, and deviate from the strict path of virtue; the most precious good we possess; yet I have known some persons have suspected my conduct; but I have God and my own conscience for witnesses. Are they not sufficient for my peace? at least no one can deprive me of them.—

* Sic in orig.

No, I have nothing to reproach myself with on that head, and you know it as well as myself, therefore I can give you advice, with the assurance that you will follow it, especially as it is also that of our mother.

"Dear Sister, if you dare, place me at the feet of her royal highness, beseeching her to accept my humble respects. Do not fail, I entreat you, when she speaks to you of me, to endeavour to convince her my repentance for having displeased her is still the same; that I conjure her to restore me to her favour. Tell me if her royal highness is still so very angry with me, and if there is not any appearance of a full pardon; but tell me always the truth. Try also, I pray you, Mariette, to persuade her royal highness that I am, and always shall be, so entirely devoted to her, that no sacrifice I could make for her would appear too great, and that she might even dispose of my life, which shall for ever be consecrated to her. Tell the baron also that I am very sensible of his remembrance, and beg him to accept the assurance of my perfect gratitude. Embrace for me the charming Victorine; repeat also my thanks to the count, and assure him I shall never forget his late kindness. Remember me to the countess, Madame Livia, and Mr. William, begging them to receive the assurance of my sincere friendship.

"Dear Mariette, if I were to tell you all those who send you salutations, I should want two more pages, for every one is much interested for you, and they never cease to put up vows for your continued happiness. You are sensible, however, that the most sincere are made by us at home.

"You will tell Mr. Hieronymus that John is quite well, and that Mr. Simonin is very well pleased with him in all respects; his board is not paid for, and tell Mr. H. on the receipt of this letter, I beg he will immediately send an order to Mr. Demolin for the six months' board, and address it to me; he must not delay, for I have need of money. You will not I think do wrong to send me at the same time the two Napoleons to make up twenty-five, if you can. It is I who send you the gown instead of the lace; I think you should trim it with muslin. Make my compliments to Mr. Hieronymus, and tell him the first time I write again, I will give him more particulars respecting his son, because I hope to have more room. I should wish much to know how ink is made with that powder which he gave me, and what he has done with the two pictures I delivered to him at the Villa d'Este. Adieu, dear and good sister; we embrace you cordially. A reply at once if you please.

"Your sister,

"8*th Feb.* 1818. "LOUISA DE MONT."

"Miss Mariette Bron, at Pesaro."

"Royal Highness.

"It is on my knees that I write to my generous benefactress, beseeching her to pardon my boldness; but I cannot resist a foreboding. Besides, I am convinced that if her royal highness knew the frightful state into which I am plunged, she would not be offended at my temerity. My spirits cannot support my misfortune; I am overwhelmed by it, and I am more than persuaded that I shall sink under it; I feel a dreadful weakness—a mortal inquietude consumes me internally, and does not leave me one moment of tranquillity. A crowd of reflections on the past goodness of her royal highness, and on my apparent ingratitude, overwhelm me. May her royal highness deign to take pity on me; may she deign to restore to me her precious favour, which I have just unhappily lost by the most melancholy imprudence. May I receive that sweet assurance before I die of grief: it alone can restore me to life.

"I dare again to conjure, to supplicate the compassion and the clemency of her royal highness, that she will grant me the extreme favour of destroying those two fatal letters; to know that they are in the hands of her royal highness, and that they will constantly bear testimony against my past conduct, places me in the extremity of distress; the aversion which I have merited on the part of her royal highness, instead of diminishing, would be increased by reading them. I allow myself to assure her royal highness that it is only the granting of these two favours which can restore me to life, and give me back that repose which I have lost. My fault, it is true, is very great and irreparable; but love is blind; how many faults has he not caused even the greatest men to commit. I dare to flatter myself this is a further reason why her royal highness should condescend to grant me the two favours which I take the liberty of asking of her.

"I also presume to recommend to the favour and protection of her royal highness my sister Mariette, as well as the one who is in Switzerland. Her royal highness has condescended to give me to understand, that perhaps she might be allowed to supply my place; the hope of this greatly alleviates my distress. It would be also an act of beneficence; for my sisters have only very limited fortunes, and in our small poor country they are not to be acquired. I am certain her royal highness would never have cause to repent her great goodness, and extreme kindness towards a young girl who has always succeeded in gaining the esteem and friendship of all to whom she has been personally known. I cannot sufficiently thank her royal highness and the baron for their kindness in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable. I know not how to acknowledge so many benefits, but I will endeavour, by my future conduct to merit them, and to regain the favourable opinion which her royal highness had vouchsafed to entertain for me during the days of my happiness.

"It is with sentiments of the most entire submission, and the most perfect devotedness, that

"I have the honour to be,
"Her Royal Highness's
"most obedient Servant,

"*Rimini, the* 16*th Nov.* 1817." "LOUISA DE MONT."

Then *Luigi Galdini* was sworn, and examined by Mr. Parke, through the interpretation of the Marchese di Spineto.

Of what country are you a native? Blevio.

Is that on the lake of Como? It is.

Of what trade are you? A mason.

Did you work at the Villa d'Este at any time? I did.

For how long did you work at the Villa d'Este? About fifteen days, a little more or a little less.

During that time were you employed upon the house of Guggiaro? I built the house of Guggiaro.

Who was Guggiaro? His christian name is Santino, and he was agent of the princess at the Villa d'Este.

Do you recollect a morning when you were employed in making a cornice? I do not remember the day, but I remember that I was working at the cornice.

Was Guggiaro at this house, at that time when you began in the morning? Guggiaro told me the night before, to get ready all the materials to work, such as the plaster of Paris, marble, sand, and all other things necessary, for I was working by contract.

Was Guggiaro at the house in the morning? He was at the villa; I waited at the place till nine o'clock, waiting for the materials which he had promised to send me, and he did not send those materials; and as I had fifteen or twenty men, I set out to go to the Villa d'Este to look after the agent, in order that I might obtain the materials.

What distance was the fattore's house from the Villa d'Este? Guggiaro dwells in the house of her royal highness.

How far is the house which you were making from the Villa d'Este? Three gun-shots, 450 paces about.

When you got to the Villa d'Este, did you inquire for the fattore? I did, I went into the kitchen of the fattore.

Did you go into any other place to look for him? I did.

Did you go up stairs? I did.

Were you in a large room when you got up stairs? I went into a room, but it was not a great room, it was a room.

How long did you wait there? For a moment; I opened the door and looked, and saw a good many doors, and I was rather out of humour, for I had lost a great deal of money on account of so many men being upon my back that day, and without work, therefore I opened the door and shut it again.

When you opened a door whom did you see? I saw the baron and the princess who were both sitting.

Whom do you mean by the baron? Baron Pergami.

On what were the baron and the princess sitting? They were sitting both together, the baron had his right arm round the neck of the princess.

What were they sitting upon? Whether it was a sofa, whether it was an easy-chair, whether it was a small bed I do not answer, because I was there only a moment, I was confused.

How was the princess dressed as to her bosom? She was uncovered so. *(Passing his hand across his breast.)*

In what position was the princess, can you describe that? She was sitting.

Was any one else in the room besides the baron and the princess? I saw no one else.

When you opened the door, what did the baron do? He took away his arm from the neck of the princess, got up and told me, what do you want from here, you dog.

Interpreter.—The expression is rather stronger; it is "Razza di cane," Son of a dog.

What did you say to the baron? I told him, you must excuse me, signor baron; I came here to look after the fattore, for I have got so many men, and I want the materials to make the men work.

Did the baron make any reply to that? He told me that that was not the apartment of the factor.

Did you ever see after that, the princess and Pergami together at any time? I saw them another time.

Where were they when you saw them together? They were coming down the stairs, arm-in-arm.

Did you see them do any thing to each other at that time? I saw

them descending, and standing just for a moment on the stairs, for I was crossing.

Did you see them at any other time, except that which you have last described? I saw them three or four times on the back of an ass; for they were passing in front of a house which I was building on account of the factor.

Was Pergami himself walking or was he riding? He was on foot.

Was he near the princess? He was.

How did Pergami hold his hand? Once behind the back, another time on the thigh; because she was sitting on the ass.

You have said Pergami's hand was behind the back; whose back? Behind the back of the princess; he was supporting her on the back of the ass.

Was any other person with them at the time? They were on the public road; they were going up and down the walk; by day it was a public walk.

CROSS-EXAMINED BY MR. TINDAL.

Whom did you first inform of what you knew upon this subject? The first time I mentioned it to the son of the factor on the same day.

Did you go to Milan to give this information? I did.

Who applied to you to take you there? A man of the name of Tagliabue.

Do you recollect at what time that was? I remember it, for Tagliabue took me there with him.

When was it? In the year 1817 or 1818; thereabouts.

Did you go with him there? I did, with some others.

Whom did you see, when you got there? I went to the house of the advocate Vimercati.

What did he do; did he examine you? He did.

Was any one else present besides Vimercati? There were three more persons.

Do you know who they were? They told me that one was a colonel, that another was an advocate, and a third I do not know.

Was he an English advocate? He was, so they said.

Was the colonel, Colonel Brown? Yes.

How long did you stay at Milan? Four days and a half.

Were you under examination all that time, or the greater part of it? I was examined on the third day, because there were others before me; whether it was the third or fourth day, I do not know.

What did you receive for going to Milan? I received ten livres per day to pay my expenses.

Do you mean to swear that you did not receive more for going to Milan? I do.

When were you applied to, to come to England? Last winter, towards the end of March or the beginning of April.

Do you mean the March or April of this year 1820? Yes.

Who applied to you? The same Tagliabue, who called upon me with the letter of the Advocate Vimercati.

Did you see Vimercati again before you came to England? I did.

Did you make any agreement with Vimercati as to your coming to England. I made an agreement that he should give me ten livres per day.

Was that besides your expenses? They are for the expenses for living

Who paid your expenses in coming over to England? Our courier gave us our ten livres every day.

Who pays your expenses here? I do not know that.

Where are you staying? I am out at a little distance from this place, but I do not know where it is.

Are there several of the other witnesses with you? I see a good many of them, I see witnesses, I see strangers, I see people, there are many.

Have you seen Theodore Majocchi among them? Yes, in London.

Do you know him? I have known him since my arrival here; I had never seen him.

You have seen a good deal of him since that, have not you? No, he was in one lodging, I was in another, and I have known him since my arrival in England.

Had the room, in which you saw the princess and Pergami, several doors. I went in by one door, there were some other doors, but that was the first time I went into the room.

Do you recollect what time of the day it was that you saw them? The hour was between half-past nine or ten and eleven, but I do not know precisely, for I cannot keep that in my mind.

Were the other workmen employed about in their work at that time? They were at the building of Santini, waiting that I should go. Do you recollect at what part of the year this was, how long ago it was. It was in the year when they gave that great feast, it was the year 1816 or 1817.

What part of the year was it—not the exact day? Towards the latter end of September or the beginning of October.

RE-EXAMINED BY MR. PARKE.

You say that when you were travelling here you received ten livres a day from the courier for your expenses, have you received that sum since you were here? No, I have received those ten livres for eleven days.

You say there are many witnesses in the place where you now are? at what place did you land when you first came to England?

Mr. Tindal objected to this question, as not arising out of his cross-examination.

Mr. Parke, in support of the question, stated, that it was put, in order to do away an inference arising from the circumstance of the witnesses being together.

The counsel were informed that the question might be put.

Where did you land when you first came here? In London.

The first time you came to London? I landed here in London the first time; afterwards I went to Holland.

Where was it you landed before you came to London? I went to Boulogne, and then by sea to Dover.

Were there many of your countrymen, many Italians, with you when you landed at Dover? We were four.

EXAMINED BY THE LORDS.

You have said that when you opened the door you saw the princess and Pergami sitting, with Pergami's arm round the princess's neck, and that her breasts were uncovered so; do you mean by that that the breasts were bare? I saw it so, and, as far as I saw, I saw it uncovered.

How far did you see the breasts uncovered? I did not stay to look;

I saw it, and made my escape; I saw it in the twinkling of an eye, and it was uncovered as far as here; I saw the breasts *(ho veduto le mammelle)*; I saw the breasts.

Had Pergami his hand upon the princess's breasts? They were so. *(The witness put his hand round the neck of the interpreter so as to reach the breast.)*

Was it so, or not? I say, yes.

How was the princess dressed at that time? I cannot say; I say what I saw; I was surprised, and went away.

Had she a handkerchief, or any thing which covered the neck? I say no; I saw it so, and I, with my own eyes, saw it naked.

You have been taken to say that that arm was round the princess's neck; was the arm round the neck, or behind the neck of the princess? I am the baron, and you *(the interpreter)* are the princess *(putting his arm round the neck of the interpreter.)*

Do you mean to say that the arm was upon the breast of the princess? I have repeated it many times, I have even shewn it; must I repeat the same thing over again; I cannot say more.

The witness was ordered to withdraw.

Then *Alessandro Finette* was sworn, and examined by Mr. Attorney-general, through the interpretation of the Marchese di Spineto.

Are you an ornamental painter? Yes.

Were you ever employed at the Villa d'Este? I was.

By whom were you first employed at the Villa d'Este? The Baron Pergami.

How long were you at the Villa d'Este? More than two years.

Did you afterwards go to Rome with the princess? I did.

How were you employed when you went to Rome; in what situation? I was a servant.

During the time you were at the Villa d'Este did you ever see the princess and Pergami together? Many times.

Where have you seen them together? Walking about the grounds.

When they were walking about the grounds in what manner were they walking together? She was holding the hand of Pergami.

Were they alone or were any other persons with them? Sometimes they were alone, sometimes there was the dame d'honneur.

Have you ever seen them go in a boat together upon the lake? Many times.

When you have seen them in the boat together were they alone? Sometimes alone, sometimes there was the dame d'honneur with them.

Did you know the room of Pergami at the Villa d'Este? I did.

Do you remember being at any time in the ante-chamber to that room? Yes.

At what time of the day was it that you were in that ante-chamber? It was in the morning between ten and eleven o'clock, or thereabouts.

Did you see Pergami at that time? I saw him come out from the side where the princess's room was.

How was he dressed? In a morning gown, with only his drawers on.

In what direction did he go? He was going towards his room.

Did you see where he went to? He went to his room.

Did he see you? He saw me.

When you were at Rome, at the Villa Brandi, did you wait at table? I did.

Did you wait at dinner and supper? I did.

Who used to dine and sup with the princess? All of the court, and sometimes some persons who had been invited from Rome.

Did Pergami dine and sup with her royal highness? He did.

Did Louis Pergami dine and sup with her at the Villa Brandi? He did.

Did Pergami's mother dine and sup with the princess at the Villa Brandi? She did not; the mother of the baron was not at the Villa Brandi.

Do you remember being at Ruffinelli with the princess? I do.

Was Pergami, at any time during her residence at Ruffinelli, ill? He was.

Was he confined to his room? Do you mean to his bed, or in his room.

Did he keep his bed, or did he only keep his room? He kept his bed.

Have you ever seen the princess in his room? Many times.

What did her royal highness do in that room? She was there conversing.

With whom? With Pergami.

Have you ever seen Pergami taking any medicines while he was ill at that time? I have seen him.

Who gave him the medicines? Sometimes I have seen her royal highness the princess.

Were you ever present when Pergami's bed was warmed? I was not present when the bed was warmed, but I brought the warming pan.

Have you seen Pergami get out of bed for the purpose of having his bed warmed? I have.

Was the princess in the room at that time? She was.

Do you remember going from Ancona to Rome with the princess? I do.

On any evening in the course of that journey do you remember seeing the princess and Pergami any where? Not in the evening.

At any other time of the day or night? Never in the night, I have in the day.

At what time of the day was it that you saw them? I do not remember whether it was before or after dinner.

At the time you saw them together did you make any observation upon their conduct? I did.

What was it? Passing through a court I saw the princess so, *(making a motion.)*

Who was with the princess at this time? Pergami.

The witness was directed not to answer by making signs, but by words.

Describe how you saw the princess and Pergami, at the time you were passing through the court? The princess was embracing Pergami.

By a Lord.—What do you mean by the word "embrace?" She was doing so with her hands *(making a motion)*.

Where did she put her hands? The princess was putting her hands round under his arms.

By that do you mean round his body? I do.

Mr. Attorney-general.—In what direction were their faces at that time—towards each other? One opposite the other, *(l'una contro l'altra.)*

Were their faces near each other, or how? Their faces were at a distance, for she is short and he is tall.

Were you at Caprilè near Pesaro? I was.

With the princess? Yes.

Did you ever see the princess and Pergami together at Caprilè? I have seen them many times together.

Do you remember on any particular occasions, seeing them after dark, or in the evening together at Caprilè? On the first evening I saw them.

Where? Out of the house, on the steps which led into the garden.

What were they doing when you saw them together? I went to look for a key, because I thought her to be the wife of the agent, and I found she was the princess; she was just embracing Pergami, as I have described before.

Have you ever seen them in that situation, at any other time? Not at Caprilè.

At any other place? I have seen it sometimes also at the Villa d'Este.

Have you ever seen them do any thing else to each other? I have seen them kiss each other.

Have you seen that more than once, or only once? I saw it only once there; other times I do not remember.

Mr. Wilde stated, that he had no questions to propose to the witness.

The witness was directed to withdraw.

Then *Domenico Brusa* was sworn, and examined by Mr. Parke, through the interpretation of the Marchese di Spineto.

Of what country are you? Of Cazzoni.

Of what trade are you? A mason.

Were you at any time employed in the service of the Princess of Wales? I was.

How long were you employed? From the year 1815 to the year 1817.

Were you at the Villa Villani? I was.

And also at the Villa d'Este? I was.

And also at the Barona? I was also at the Barona.

Did you ever see the princess and Pergami together? I have.

Have you seen them often? I have seen her once, twice, three times, many times.

Have you seen them walking together? I have.

How were they walking when you saw them? They were in a boat on the lake.

When you saw them in a boat on the lake, were they alone or was any body with them? They were alone.

When you saw them walking together, were they alone? They were alone.

Were they separate from each other, or arm in arm? They were alone, but he was rowing.

Have you seen them walking together on land? No, I never made any observation about their walking on land; I have seen her sitting.

When you saw the princess sitting, was any one with her? There was a certain baron.

Who was that certain baron? He was called a certain Pergami.

Was Pergami sitting at the same time? He was; it was on the evening of the feast.

What feast do you mean? The feast of St. Bartholomew, when they gave a house warming at the Villa d'Este.

At what time was it that you saw them sitting together, what time in the day? It was in the evening.

Whereabout was it they were sitting? They were sitting upon a bench under some trees, a kind of arbour.

Was there any one there besides the baron and the princess? I saw the baron and the princess, and nobody else.

Do you know Raggazoni? I do.

Was any one with you when you saw the princess and Pergami together? There was; a certain Raggazoni and I were going to sleep in a place, called the Paese, which is near the Villa d'Este.

Do you remember being at work on any day at the Villa d'Este, near a corridor? I do.

Were you working in a room? There was a room, and then there was another, and they made two.

Was there a door from one room to the other? There was.

Was there any, and what other door in the room you have mentioned, besides that leading into the room in which you were working? There was another door.

In what direction was that other door you have described with respect to the first door? They were opposite to each other, one led one way, and the other the other, in the same direction.

When the door of the room in which you were working was open, and the other door you have described was also open, could you see through both? When I was going, a garzone was coming out, and we met*.

When you met the garzone coming out, could you see into the other room? I could because the door was open.

Did you see any person in the room at the time that the door was open? I did.

Whom did you see? The princess and the baron Pergami.

What were they doing when you saw them? They were caressing each other with their hands.

Was the princess sitting or standing? Standing.

Was Pergami sitting or standing? They were both standing.

In what way were they caressing each other?

[*The witness illustrated his answer by stroking down the cheeks of the interpreter in a whimsical manner.*]

Describe it in words? They paid caresses to each other with their hands.

What part of the body did they touch? On the face.

Do you know Pergami's room at the Villa d'Este? I know it; but I cannot distinguish it, for there are many rooms, they have told me *that* was the room.

Do you know of any alteration after the princess returned from Greece, in that room which you were told was Pergami's? I have not seen it.

Do you know of any thing being done to the wall of that room? I have seen those kisses and those caresses, and I have seen no other.

Did you see any work done to the wall of that room which you were told was Pergami's? I have not it present to my mind.

The Solicitor-general for the queen stated, that he had no question to propose.

The witness was directed to withdraw.

Then *Antonio Bianchi* was sworn, and examined by Mr. Attorney-general.

Are you an inhabitant of Como? I am.

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* Garçon, in French,—a boy or lad.

Do you know the Princess of Wales? I do.

Do you remember when she lived at the Villa d'Este? I do.

Have you ever seen her on the Lake of Como, in a small boat? Many times.

Was any one with her when you have seen her in that small boat? There was.

Who? A certain Bartolomo Pergami.

Were they alone in this small boat together, or was any other person with them? The two alone.

Do you know the river Brescia? I do.

Have you ever seen the princess and Pergami on that river? I have.

What have you seen them doing there? I have seen them in a little canoe, near to the gate or dam, which they put into the water to prevent the water from overflowing the country.

What were they doing there? I have seen first the canoe empty, and then a moment after I saw Pergami accompanying the princess, take her by the arm and enter the canoe.

Where were they coming from when they went into the canoe? They came from this flood-gate, from this riparo.

Describe what the riparo is, and whereabout it was? *(Describing it.)* This is the river, and this is the riparo, which is a bank to prevent the water overflowing this small tract of land, where there is a vineyard; and here further on is a road which leads on a new road, which the princess has ordered to be made, and has cut the road through the vineyard.

Where were they when you first saw them? They were coming from the riparo, and were coming through this little road to get into the canoe.

Is that the only time you saw them on the Brescia? I have seen them several times, but then I saw them go backwards and forwards.

How were they dressed when you saw them at this riparo? Both in white.

What sort of dress? I cannot tell, for I did not go and touch them; I cannot say whether it was linen or silk, or any other thing.

Were their clothes wet? At the top they seemed wet, but I cannot tell whether they were dry or not, for I did not touch them.

Did they get into the canoe when you saw them? They went.

Which way did they go with the canoe? They came down the small canal, and then they went towards the villa.

What small canal are you talking of? The small canal of the Brescia.

What time of the day was it? About two in the afternoon.

Where was it you first saw them; whereabout were they when you first saw them at that time? I saw them the first time leaning against this riparo.

Was there any water were they were standing? There is a little water, but not much.

How much? The depth of a braccio.

When you first saw them, were they standing in that water, or were they upon dry land? I saw them that they were leaning against this bank, then afterwards immediately I saw him conduct her to the boat.

Was that place, where you say the water was about a braccio deep, a place used sometimes for bathing? Many gentlemen go there.

Do they go to bathe? Many gentlemen go there to take a little bathing in that place, because the bank is good and the water is clear.

When you first saw the princess and Pergami at that place, were they standing in the water or not? They were in the water, but they came

out immediately as soon as they saw me, with four gentlemen who were in a boat; they came out and went to the canoe.

You say the princess was dressed in white; did you observe how she was dressed in the lower part, what she had on? A species of loose trowsers that reached to the feet.

The Solicitor-general for the queen stated, that he had no question to put.

EXAMINED BY THE LORDS.

How many feet is a braccio? A braccio is the same with which they measure cloth, linen, every thing *(shewing the length of his arm.)*

(The witness measured before him about three-quarters of a yard.)

The witness was directed to withdraw.

Then *Giovanni Lucini* was sworn, and examined by Mr. Parke.

Of what country are you a native? Of Blevio.

Is that on the Lake of Como? It is.

What trade are you? A white-washer.

Were you employed at the Villa d'Este? I was.

Was that in the service of the princess? It was.

Do you know Bartholomew Pergami? I do.

Whilst you were at the Villa d'Este, did you see the princess and Pergami together? I did.

Have you seen them together often? I have seen them many times.

Did you ever see them riding together in a carriage? I have.

Did you ever see them in a padovanello? I have seen them in a padovanello.

Describe in what way the princess sat? He was sitting behind in the padovanello, and she was sitting on his knees.

Where was the arm of Pergami? He had his arms under the arms of her royal highness, holding in the left the reins, by the right the whip.

Do you recollect at any time being at work in a tower near the Villa d'Este? I do.

When you were working in that tower, did you see the princess and Pergami? I did.

What were they doing when you first saw them? They were reading a book.

Were they sitting or walking, or standing? They were sitting.

After you saw them, what did they do? They got up, and went into a small cabinet, which was just by.

Was any person with them at the time? No.

In what way did they walk into this cabinet? They got up and went in; he got hold of her arm to help her to get up.

When they walked away, did you see where Pergami's arm was? I did not see that, because he helped her to get up, and then they walked together side by side.

Do you know the room at the Villa d'Este, which was Pergami's? I do.

Did you see Pergami in that room in a morning through the window? I did.

How was he dressed? He had on a morning gown of lead colour.

At what time in the morning was it that you saw him? Between ten and eleven.

Did you see any body else in that room at that time? There were he and the princess.

How was the princess dressed? I believe she was dressed in white.

What were they doing when you saw them? They were so, and I immediately retired.

What do you mean by "so?" They were at the window, looking down.

Did you observe nothing more? I did not; I was working at my business.

How long did they remain at the window when you saw them? A little time.

Were you ever present at the theatre at the Villa d'Este? I have been.

Was any one performing? There was.

Who were they? The princess was singing, and Mr. Pergami was playing upon an instrument, Torototela.

CROSS-EXAMINED BY MR. DENMAN.

Did you not say at Milan, that you knew nothing upon the subject, but wished for a journey to London? To me they have told nothing; I have been examined at Milan.

EXAMINED BY THE LORDS.

Is a padovanello a carriage commonly used in your country? It is.

Is it not a carriage with one seat only? With one seat only.

Can two people sit side by side in that seat? They cannot.

Is it not the custom for the man who drives to drive with any other person in the carriage sitting on his knees, and holding the reins and the whip on the sides? Certainly, when there are two it is necessary that one must sit behind, and the other upon him.

Have you frequently seen two persons in a padovanello? Yes, I have seen others.

The witness was directed to withdraw.

Then *Carlo Rancatti* was sworn, and examined by Mr. Attorney-general.

Were you ever in the service of the Princess of Wales? I have been.

How long were you in her royal highness's service? Nearly two years.

What was your situation in the service? Confectioner.

Where did the princess live when you went into her service? At the Villa d'Este.

Do you know Pergami? I do.

When you were at the Villa d'Este, have you ever seen the princess and Pergami together? Always.

When you have seen them together at the Villa d'Este, have you seen them do any thing towards each other; what have you seen? I have seen nothing else, but to see them go walking together.

When you have seen them walking together, in what manner were they walking together? They were walking as if they were true friends, husband and wife, or something like.

In what manner did they walk together, how were their arms when they walked? They went arm in arm as man and wife.

Did you go with the princess to the Villa Brandi at Rome? I did.

Was it your duty to prepare the breakfast for the princess? It was.

Do you remember at any time, when you were preparing breakfast at the Villa Brandi, seeing Pergami? I do.

At what time in the morning was it, that you recollect to have seen Pergami? Sometimes I saw him at nine o'clock, sometimes in the morning as early as five.

Do you recollect at any time when you saw him in the morning early, seeing where Pergami came from? From his room.

Did you ever see him come from any other room but his own? I have not.

Did you accompany the princess to the Villa Caprilè near Pesaro? I did.

Do you remember at any time when you were in the apartment of the princess, seeing the princess and Pergami together at Caprilè? I do.

Did they do any thing when you saw them so together? They were going to walk; I have seen them a thousand times, and I do not know what time precisely you allude to.

Do you recollect whether the princess kept any birds at the Villa Caprilè? She had a nightingale.

Did you ever carry meat to the nightingale? It was my duty to do so.

Do you remember at any time, when you were about giving meat to the nightingale, seeing the princess and Pergami together? I do.

Upon that occasion did you observe them doing any thing to each other? Once I observed something.

What was it you observed upon that occasion? I observed that they were kissing each other.

At the time they were kissing each other, did you hear the princess say any thing to Pergami? She was saying, "Do not remain so long out, mon cœur;" she said something else in French, but I do not know how to explain myself.

At Caprilè do you know Pergami's bed-room? I do.

Have you ever seen or heard Pergami in the morning calling his servant from the bed-room window? Many times I have seen him.

At any time when you have so seen Pergami at his bed-room window, have you seen the princess any where? I have seen the princess in the room of Pergami when he was calling for his servant.

Have you been present when the princess came down to breakfast? I did always see her.

When she came down to breakfast, did any body come with her? She came with Pergami under her arm.

CROSS-EXAMINED BY MR. WILLIAMS.

Did not your occupation lie chiefly in the house? It was almost always in the house.

Waiting upon the princess often, were you not? Waiting upon the princess, and any other person who called on me in my capacity.

Where was that bird, the nightingale kept? In the room before the cabinet of the princess.

What room do you call it? It was called a room for the reception of company.

What time of day was it that you were feeding the bird? About ten o'clock.

In the morning? Yes, ten in the morning.

Was that about the usual time? It was, moments sooner or later.

The witness was directed to withdraw.

Then *Francesco Cassina* was sworn, and examined by Mr. Parke.

Of what country are you? Of Piazza.

Is that on the lake of Como? It is.

Of what trade are you? A mason.

Were you ever employed at the Villa d'Este? I have been employed there seventeen years at the Villa d'Este.

Were you employed at the Villa d'Este while the Princess of Wales lived there? I was.

Do you know Pergami? I do.

How long have you known him? I have known him in the family of Pino.

In what situation was he when you first knew him? Valet.

Did he wait at table? He did.

Do you know the situation of Pergami's bed-room at the Villa d'Este? I do.

Do you recollect when the Princess of Wales returned from her voyage to Greece? I do.

Do you recollect any alteration being made about that time in the wall of Pergami's bed-room? I do.

What alteration was it that you know of? They opened a door.

Did you break down the wall in order to open a door? There was a door, but it had been walled up on one side.

Were you employed to clear away that door-way? I stopped it myself, when I was with General Pino.

Do you know whether any change took place about that time in the situation of the bed-room of her royal highness? I do.

What alteration was made in the situation of the bed-room? It was changed where she was at first; she changed a few days afterwards into that where the opening was made.

When the princess's bed-room was changed, did that door which was opened afford a communication from Pergami's bed-room to the princess's bed-room? It did, but there was another room between.

Then after that door was made, how did a person go from Pergami's bed-room to the princess's? By that door which I had opened; any man might go into the next room, and then there was a small corridor which led into the room of the princess.

Before that communication was made by that door you have mentioned, how would a person who wished to pass from Pergami's bed-room to the princess's have to go? He must have gone through by the staircase, then through the large saloon, then through this ante-room, then through the corridor and then to the room of the princess.

Did the opening of that door afford an easier communication from one room to the other? It was shorter; there was only to pass through one room.

CROSS-EXAMINED BY MR. DENMAN.

The door you made was an old door broken out again, it was not a door made for the first time? It was so.

The witness was directed to withdraw.

Giaseppe Restelli was sworn, and examined by Mr. Solicitor-general.

Were you ever in the service of the Princess of Wales? I have been.

In what capacity or situation did you enter into her service? At first as under the chief superintendent of the stables, and afterwards as the head superintendent of her stables.

When was it you first went into her service? I entered her royal highness's service at Como, at the Villa d'Este.

At what time, as nearly as you recollect? At the latter end of August or the beginning of September of the year 1816.

How long did you continue in her service? Till the end of November 1817.

Where was her royal highness living at the time when you first entered her service? At the Villa d'Este.

Was Pergami residing there at that time? He was.

Have you ever seen Pergami ride out in any carriage with her royal highness? I have several times.

Did you ever see her ride in a carriage called a padovanello? I have.

Describe how she sat in that carriage? She was sitting on the knees of Pergami.

Did you ever see her royal highness on the lake of Como? I have seen her several times.

Have you ever seen her upon the lake in a canoe with Pergami alone? Yes, sometimes alone, sometimes with other people.

Did you ever see her royal highness drove out in any other carriage besides the padovanello with Pergami? Almost every day when she went out.

Do you remember a cloak which Pergami was in the habit of wearing? I do, at Pesaro.

Did you ever see Pergami riding out in a carriage with her royal highness with that cloak? I did.

In what manner was that cloak placed at the times that you allude to? Her royal highness had it upon her shoulders, but with the lower extremity of this cloak she covered Pergami.

Do you remember, at any time when you were at Pesaro, her royal highness going in the road towards Farno? Not to Farno, but returning on the road from Farno to go to Caprilè.

Was it your duty to accompany the carriage on horseback? It was; I rode before, and I came near to the carriage whenever I was sent for to receive orders.

Do you remember, at any time when going on the road towards Farno, returning to the carriage for the purpose of receiving any orders? On our return on the road from Farno, near to the gate of Pesaro, I went near to the carriage to receive orders as to the road which I was to take, because sometimes they went round, and sometimes they took another road.

Was the carriage an open carriage? It was an open carriage.

When you returned to the carriage in this way, did you take any notice of where the hand of her royal highness was? I did.

Where was it? In the small-clothes of Mr. Pergami.

Did you see that distinctly? I saw it distinctly; I was ashamed of it at the moment when I came to the door.

Do you know Cattolica? I do

How far is that from Pesaro? Ten miles.

Do you remember the princess at any time driving out there for the purpose of meeting Pergami? Several times, and I was with her.

Do you remember one occasion when Pergami had been absent two days? I do not know whether he had been absent two or three days.

Did her royal highness go out for the purpose of meeting him? She did.

Did she return again before she met him? She did.

Did you afterwards see the carriage of Pergami before you got home? Almost immediately after we had turned, before we reached half way.

Was Pergami in the carriage? He was in his travelling carriage, a white carriage.

When he came up to the carriage of the princess, what did he do? Pergami descended from his carriage, and ran to the door of the carriage of her royal highness, and she descended from her carriage.

After they had descended from their respective carriages did her royal highness address Pergami; and if so, in what terms, what expressions did she use? They spoke to each other, I did not hear what words of compliment they paid each other, but they kissed each other.

Did you hear any expressions she made use of towards him? I only heard, *Caro amico mio*,—"Mon cher ami."

After they had embraced each other, and made use of these expressions you have mentioned, what did they do? They took each other by the arm and went into the same carriage together, this was by night.

Do you remember the little Victorine at the Villa d'Este? I do.

How did she call the princess? Mamma, *mia*.

Do you recollect any conversation or any thing passing between the princess and little Victorine at the Villa d'Este? Her royal highness caressed her like her own child, for she called her "Viens ici, ma chère fille."

Were you ever at the Barona? I have been.

Did you ever see the wife of Pergami? I have, but at the time when the princess was not there.

Did you ever see the wife of Pergami at the Barona when the princess was there? She was there once whilst her royal highness was arriving, and they all made their escape, they all went away.

CROSS-EXAMINED BY MR. DENMAN.

When were you dismissed from the service of the princess? Towards the end of December 1817.

Were you not discharged for stealing the corn? No.

Was not that the charge on which you were dismissed? No.

What were you dismissed for? Because I gave leave to two of our men to go to the inn, to the tavern; and Bernardo, the cousin of the baron and some others went to stop these men, and when these men came to complain to me of it, I said I never knew that a master should be a thief-catcher, thief-taker *(sbirro)*.

Interpreter.—It is a constable, but a low kind of constable, and in Italy it is rather a term of reproach.

The witness proceeded—And then the day after that, Louis came with the money that was due to me for three months' salary, and told me that as I was an honest man I ought not to be among the sbirri any longer; so I took the money and went away.

You say you were dismissed on that account? Yes.

Were you never charged, when in the service of the Princess of Wales, with stealing the horse provender? Never.

The question does not refer to a charge before a magistrate, but were you not charged in the family of the princess, or by herself, with having stolen the horse provender? No, never.

You swear to that as you do to all the rest of your evidence? I do.

You never said that to any body, that you had been dismissed on a charge of stealing corn, did you? I could never tell this lie.

Do you mean that you never tell a lie, or never without being well paid for it?

The Solicitor-general objected to the question.

The counsel were informed, that they might ask the witness whether he was paid for the evidence he had been now giving.

Do you understand English? No.

Not at all? Nothing at all.

How long have you been in England? The day before yesterday?

When did you first hear that the commission was sitting at Milan? Towards the end of December of the year 1818.

Between that time and the time of your leaving the princess, were you in any service? No.

How did you support yourself in the meantime? I had a pension from the government, and I always have been employed as a courier.

What government is it which gives you the pension? The Italian government.

Did you offer yourself as a witness to the Milan Commission, or did those who pay you your pension induce you to go before them, or how? I have not been to Milan for this purpose, but I am settled at Milan.

The question was not whether you went to Milan, but were you induced to go to the Milan commission, or did you go voluntarily? I have been sought after.

Who sought you? The first time, a man of the name of Riganti came to tell me to go to the advocate Vimercati.

Riganti is a tobacconist at Milan, is not he? He is.

How soon after Riganti spoke to you, did you go before the commission? I have only spoken with the advocate at first.

How soon was that after Raganti sought for you? The day after.

Was any body with the advocate when you first went? There was not.

Did the advocate then take your deposition? He did not.

Did he ask you any questions about what you knew? He did.

How soon after that did you go before the commissioners? I believe a day or two after.

How many persons did you find assembled there? There was the Advocate, three English gentlemen, and two Italian amanuenses.

Did you then tell the same story which you have told to-day? I did.

Was it taken down in writing? It was.

Were you sworn to the truth of it? They did not swear me, but they told me that I should be obliged to swear to the truth before a tribunal; I said I would.

Did you then take out your own cross and kiss it? I did not, I was not there to take an oath, he only told me that I should be obliged to swear if the occasion should require before a tribunal, and I said that I would.

Did you not become a very active agent of the commission? I was not an agent, they have given me orders only as a courier, which is my profession, and as a courier I have travelled.

You have been employed as a courier by that commission? Yes, sometimes; whenever they had need of me.

Where did you first go in your quality of courier to that commission? I went into Westphalia.

Whom did you see there? I went with a letter to a man of the name of Credé, to come to Milan.

Did you know Credé before? Yes, I have known him in the house of her royal highness.

Where was he, in Westphalia? At Hesse Cassel.

Morris Credé, was it? Yes.

You say you took a letter to Credé, did not you yourself persuade Credé to go to Milan? I did.

Did you not offer him money to go? I did not.

What did you say to induce him to go? I told him that the advocate and the commission at Milan required him, and that both his expenses in the journeys in going and coming should be paid.

Where did you go next as messenger to the commission? I have accompanied Mr. Cooke by the way of Lyons to go to Frankfort, and I had despatches for Milan.

Did you go to Cassel and back again? Not at that time.

When you went for Credé, did you go there and come back? I did.

Whom did you see at Frankfort? I saw Credé.

Whom else? I have seen at a distance, but I did not speak to her, Preising.

Who is she? A maid that was in the service of her royal highness.

When? At the time that I entered the service of her royal highness, about September in the year 1810, at the Villa d'Este.

Did you see any other witnesses at Frankfort? I did not, I saw this woman by chance at the inn, but I did not speak to her.

Did you go back from Frankfort to Milan with Mr. Cooke? I did not go with Mr. Cooke, I went with despatches.

Did you go from Frankfort to Milan? I did.

What was the next journey you made as courier to the Milan commission? It was to go to Paris with despatches to Lord Stewart, or Mr. Stewart, and return.

Do you mean Lord Stewart the ambassador at Vienna, or Sir Charles Stewart the ambassador at Paris? I mean the ambassador at Paris.

Where did you go next from Milan? I do not know precisely which was the fourth or the fifth, but I have made several journeys.

After you returned from Paris to Milan, where did you next go as courier to the commission? I have made several other small journeys, which I do not remember; but now lately I came to England with eleven witnesses.

Were you ever at Vienna on the same business? I have not been.

Have you had any other means of getting your bread except this, since you left the princess's service? Yes; I have besides a pension from the government; and besides, I am in the trade of a coachmaker.

Who recommended you to the commission; do you know? Nobody recommended me; but when I spoke to the advocate, he told me that it was only to tell the truth, and I told it.

Do you know Enrico Ravizza? I do not, not that I know of.

A man of Lodi? I do not know him.

Have you offered any body money for coming here as a witness? I have not.

Have you persuaded several persons besides Credé to come? Credé did not come with me. Credé did not go to Milan at that time.

Do you know Draggoni? I know Angelo Draggoni.

Did you never attempt to persuade him as a witness? No; I have spoken to him in confidence, but I have never endeavoured to bring him.

When did you leave Milan to come here? The first time I left it on the 29th of June.

Did you bring your father with you, and your wife and your children? I did not.

What are you to have for coming? They have promised me nothing.

What do you expect to have? Nothing; they have offered me nothing, and I have nothing to expect.

Do you mean to swear that you expect nothing? I do.

Who are the persons with whom you came? Some I know, some I do not know; those I know, I know because we came together, but I had never seen them before.

Who are they? They are various; I knew them by sight before, but I had no intimacy with them.

State their names? Of some I can say; the others I do not know.

State the names of those you do know? Carlo Rancatti, Gerolamo Mejani, Paolo Oggioni, Philip Rigganti, Enrico Baie, Finette the wife of Majocchi; perhaps there may be some more, but at present I do not remember them.

Is Credè in England, do you know? I do not know.

Is that maid-servant, whose name you have mentioned as having seen her at Frankfort *(Preising)* in England? She is.

Do you know Ciceri? By sight, but I never spoke to her.

The question refers to a man of the name of Ciceri? Yes, but I never spoke to him.

Do you know whether he is one of the agents of the Milan commission? I do not know.

Have you seen colonel Brown? I have.

Where did you see him? In his house, where I went to take the despatches upon which he sent me.

Have you been in any service from your leaving the princess up to this time? I have not, no other than being a courier employed by the colonel.

Did you never seek for Draggoni? I have been sometimes looking out for him, seeking for him, for we are friends, but not upon this business, as he has come sometimes to look after me.

You never offered Draggoni any money to come forward as a witness. I did not.

Did you never say that any body would give him money for his testimony? I did not.

Do you know Colonel Vessali? I know a Vessali, but not a colonel; the Vessali I knew was a captain.

Did you see him some short time after you left the princess? I did.

Had you any conversation with him respecting the cause of your discharge? I had.

Did you not tell him any thing about the charge of stealing corn? I did not say so, I only said I had been discharged because I called them Sbirri.

That is all you told him as the reason of your being dismissed? This was what I said; but if I had said something more, it is not what I can remember at present of this discourse.

Did you not tell him that the charge, whatever it was, was false? I did not say that; I only said that I had been discharged for that which I have said, and which it is true I did say.

With regard to the time when you say the princess and Pergami were in the carriage, and you saw her hand in the situation you have mentioned, was it an open carriage? It was a carriage for two, with the top open, thrown behind, and a kind of apron or cover which came here *(in front)*; but at the moment that I came to the door to

ask for orders, I saw the hand drawn from this part, which was uncovered.

Was the part of the carriage from which you saw the hand withdrawn above the apron? The apron did not reach so far, there was only the cloak that covered the breeches.

You came back for orders, did not you? I did.

How far had you got from the carriage before you turned back to receive the orders? The distance from hence to this pillar, four or five paces.

You are understood to have said that you were in the habit of stopping at that place and receiving orders as to which road they would choose to go? Not always, because sometimes I received those orders at the time I sat out; but when I did not receive them I went to the door to ask for orders.

When you did not receive orders at setting out, you were in the habit of stopping at that place for the purpose of receiving them? It was not always, but that was only the second or third time that her royal highness made me to go by that way, to go and look after the Count Cassio.

You had stopped there several times before, once, twice, or three times, to receive orders? She had given me the orders before we set out, and on that occasion that I stopped at that place, it was the first time.

Did they call you to the carriage? They did not call me, I went of myself.

How often had you been upon that road before with the princess? Several times.

Had you always received, before that, orders which way you should go? Sometimes I received the orders, but at others, when they were with six horses, with which they generally did go, then I merely looked behind, and they made a sign with the hands which way I should go; but on that occasion they had a small carriage, and I went back.

Did you say you had seen this very distinctly? Yes, I saw her take out, or take away her right hand from his breeches.

You saw that very distinctly? I saw very distinctly the princess take away her hand, and I was ashamed to see her do so.

It was broad day-light? It was between two and three, or half past three.

On the public road? Yes.

On which side was she sitting? The princess was sitting on the left, and Pergami was sitting on the right, driving.

Whom did you first tell this story to? I did not tell it to any body before I told it to the commission.

How soon was that after the time that you saw it? Eleven or twelve months.

In what month did the thing happen, of which you have spoken? I do not know precisely, but it must have been about the end of November, or beginning of December in 1817.

Who was living at the villa at that time, what servants? There was Majocchi, a certain François, whose name I do not remember; there was Andrea Geralli; do you want to know the whole family.

State those with whom you are most intimate? I had no intimate acquaintances; for as I was the chief, I did not give confidence to any one of them.

Did not the princess remove her hand as soon as she saw you? She did.

Did she appear confused? I paid no attention to that, because I immediately turned away with my horse.

How long after that was it that she turned you away? I do not know precisely; it was a month or six weeks, twenty days, or thereabouts; I do not know precisely.

EXAMINED BY THE LORDS.

You state that you have a pension from the Italian government; on what occasion had you that pension given you, and on what account? I have received it on account of having been seven or eight years in the service with Prince Eugene, who was then viceroy of Italy.

When did you first get the pension? I received it about 1815, but the pension was granted to me in the year 1814.

Does the present government of Milan continue to you the pension? It does.

Have they ever employed you as a courier since you have had the pension? They have not; if I had any employment I should receive no pension.

What is the amount of your pension? Two hundred and sixty livres a year.

At the time you turned to the carriage in which the princess and Pergami were, to ask which road they wished you should take, did you get any directions from them upon the subject? Yes, we entered the town on the right hand, to go to take up Count Cassio, to bring him to Caprilè.

Who gave you that order? The baron; but he gave me a simple word, Count de Cassio, and with this word I knew my road.

Was that order given before you saw the princess's hand or afterwards? At the moment that she was withdrawing her hand, the baron said, Count de Cassio.

Did you then see what you have communicated to this house, and hear the order, exactly at the same time? Yes, I heard Count de Cassio, and I immediately turned round.

The witness was directed to withdraw.

Giuseppe Galli was sworn, and examined by Mr. Parke.

What countryman are you? Of Cossano, in Italy.

What is your occupation? A waiter at Barlisina, at the Crown inn.

How far is Barlisina from Milan? Thirteen miles.

Does it lie between Milan and Como? Halfway.

How long have you been in the employment of waiter at that inn? Five years.

Did you ever see the Princess of Wales at that inn? I have.

How often have you seen her there? Three times.

When was it you first saw the Princess of Wales? The first time she passed by in a carriage, and took something for breakfast in the carriage.

When was that; in what year? It is about three years ago.

Do you recollect who was in the carriage with her? There was a certain Pergami.

What Pergami; do you know his name? I have heard that he is called Bartholomew.

How long after that was it that you saw the princess again at the inn? About six weeks after.

The second time when you saw them, what did they do at the inn; did they breakfast or dine? They came to dinner.

Did you see the princess and Pergami together upon that occasion? I did.

What was their conduct towards each other? Pergami came from Milan, for he had passed in the morning to go to Milan, and the princess came afterwards from her own way to come and dine there.

When you saw them together, how did they conduct themselves towards each other? The baron was sitting near the princess.

Did you see them together before dinner or after dinner? Pergami arrived half a quarter of an hour before the princess, and the princess arrived half a quarter of an hour after Pergami.

Did you see them together before dinner? Not before dinner, because before dinner there were seven, or eight, or ten, altogether in a room.

What was their conduct towards each other when you saw them? At the dinner I saw that they paid compliments to each other, and I saw that they took some delicate morsel and offered to each other.

In what way did they address each other? They spoke in French.

Describe in what way they used those delicate morsels you have mentioned? The baron was the first who took something out of his plate and offered it to her royal highness, but I do not know what sort of food it was, for I do not recollect; but then her royal highness took something out of her own and gave it to the baron.

Was it taken from the plate of the princess and the plate of the baron, or from some dish on the table? From their respective plates.

You said that they spoke French to each other; in what way did they speak to each other in French? I do not understand well the French; I cannot understand it.

Do you recollect at any time when the princess dined at the inn, her having two rooms appropriated to her? I do.

Do you recollect what were the numbers of the rooms? No. 7 and No. 8.

Did they communicate with each other? They did.

How many doors were there in No. 7? In No. 7 there was one door.

How many in No. 8? One to enter in No. 8. and another that led into No. 7, which makes two.

In which of the rooms did they dine? No. 8.

What was there in No. 7? A large bed.

After dinner, did you see the princess and Pergami together in No. 8? I did.

How many persons dined that day with the princess? The first time that she dined at the inn there were ten.

Are you speaking now of the first time, or the second time, when he dined in No. 8? She dined there twice.

Did she dine both times in No. 8? She did.

When you saw the princess and Pergami together after dinner, were the company remaining in the room, or had they gone out? They had gone into the second room.

Did you observe any thing done by the princess and Pergami? I did.

Describe what you saw? I went to go and clear the table, and I saw the baron holding an arm upon the shoulder of the princess, and, at the moment that I was going into the room, I saw the baron give her a kiss; but I did not enter, for they told me immediately to go away.

In what way was the baron's arm placed? The baron was on the right, the princess was on his left, and the baron held his left hand upon her royal highness's shoulder.

Was the arm on her shoulder, or round her shoulder, or how; what way was it placed? He had his upon her shoulder.

Did you observe in what way the princess and the baron left the inn at that time? I did

How did they go away? I saw them go both together à charabano.

Interpreter.—A charabano appears to be a species of German carriage, where there is no seat, but two persons sit astride in the way as persons sit on horseback.

Was any one with them when they went away in this carriage? Nobody else.

No servant? There was none.

Describe what sort of a carriage a charabano is? There are two seats behind, that two people may sit, and then in the middle of the carriage there is a cushion, upon which people may go astride.

Do you know in what way they sat? Pergami was astride on this cushion, and the princess was sitting properly on the seat

CROSS-EXAMINED BY MR. WILLIAMS

State the time of which you have been speaking as well as you can, in what year, and in what month of the year, as nearly as you can tell? The month I think was before Christmas, either November or December.

What year, do you know? I believe it to be the year 1817.

Is not the inn of which you speak the stage at which they changed horses always between Como and Milan? No, where the horses are changed there is no inn; it is merely a post house.

Barlisina is the stage beween Como and Milan, is it not? It is.

Upon this occasion, when you describe this German carriage, were there not eight or ten persons in the company of the princess? There were.

Do you know any of them? Her two ladies, who were called dames d'honneur; there was a daughter of the baron, a small girl; there was the mother of the baron, there was a servant, Professor Mocatti, there was a Captain Vasalli, there was an Englishman whom I did not know, there were some other persons, but whom I do not know; the second time there were thirteen.

EXAMINED BY THE LORDS.

Was it in the month of December that they dined the first time, or the second time, at the inn? Between the first time and the second time that she dined at the inn, there was a difference of about three weeks.

When you were ordered to quit the room after dinner, when you had seen the baron and the princess together, with the baron's arm on her shoulder, do you know how long they remained in that room? Perhaps they might have been about half an hour, no more.

Do you know whether any body went into the room during the half hour? The servants, no; but there was a second room into which they might go, for there were other people there, and the door was open.

The witness was directed to withdraw.

The Lord-Chancellor requested leave to draw the attention of the house to the matter which had been reserved for consideration on Friday last; namely, whether any alterations were necessary to be made in the minutes of that day relative to the questions which had been put upon the contents of certain letters at that time not regularly in proof, and previous to the questions afterwards put to the learned judges upon that day; and his lordship further acquainted the house, that he had been furnished with the following statement of the minutes relative to the above matter, as they now stood upon the minute book, *viz.*—that nothing appears in the minutes of Friday last, upon the subject of the letters examined to, previous to the objection afterwards taken and the opinion given by the learned judges on that day, except what relates to two letters afterwards produced and regularly proved; that it does not appear that any question was previously asked as to the third letter, which was afterwards also proved, but not since interrogated to; and that the only further matter that does appear. is merely the questions that were put to the witness upon the letter, of which a line and a half only was shewn to her, namely, as to the fact of that letter being her hand-writing; but as to the contents of which no questions were put previously to the opinion so given by the learned judges, nor had any been put relative to that letter since.

Whereupon it was ordered, That the said minutes do stand as they now appear in the minute-book.

Then *Giuseppe Dell' Orto* was sworn, and examined by the Solicitor-general.

What are you by trade? A baker.

Did you serve her royal highness with bread at the Villa d'Este? I did.

Did you serve her with bread before she went upon her long voyage? I did before the voyage she made to Greece.

Do you remember, after her return from Greece, seeing her upon any occasion sitting in the garden? I do.

Was she upon that occasion alone, or was any one with her? Baron Pergami was with her.

Was Baron Pergami sitting at the same time? He was.

Did he do any thing? He did.

What did he do? He had an arm round her neck, and was making love to her, and kissed her.

Before he put his arm round her neck, had he got up from the seat? He had got up.

When he got up, did the princess do any thing to him or to his dress, his coat? She took him by the lappel of his coat, and made him to sit down again.

Was it after that that the arm was put round her neck? It was.

Did you ever see the princess in the kitchen at the Villa d'Este? Yes.

Was Pergami there at the same time? He was.

Was there any polenta there? There was.

Did Pergami do any thing with that polenta? He took a little of it.

What did he do with it? Pergami went to her royal highness, and her royal highness told him something in French; and then Pergami put the polenta half into the mouth of her royal highness, and then the remaining half he put into his own mouth.

Did you, some days after this, see the princess in the pantry at the Villa d'Este? Yes.

Was Pergami there at that time? He was.

Did Pergami or the princess do any thing? They were both together.

What did Pergami do? Pergami took a piece of sweetmeat and put it into the mouth of the princess, and the princess took it.

Have you ever seen the princess on the lake in a canoe? I have.

Who was with her? Pergami.

Were they alone? They were.

Have you seen that once or often? Once I remember, the other I do not remember; it might have been more, or it might have been less, I cannot exactly tell.

CROSS-EXAMINED BY MR. TINDAL.

Were you in the service of her royal highness, or did you only bring bread to the house? I served her royal highness with bread, and with bran for the horses.

Were you in her service? I was not.

The witness was directed to withdraw.

The question being asked of the Marchese di Spineto what polenta was, he stated that it was like porridge made of maize, and a favourite dish in Italy.

Then *Giuseppe Guggiari* was sworn, and examined by Mr. Parke.

Are you a native of Cernobio? I am.

What business are you? I am a boatman.

Do you follow your business on the lake of Como? I do.

Do you know the Princess of Wales? I do.

Did you ever see the Princess of Wales in one of your boats on the lake? I have served her royal highness with the boat of General Pino the first time she arrived, and when she went as far as Domas which is distant forty miles from Como.

After the Princess of Wales lived at the Villa d'Este, were you in the habit of carrying her on the lake at any time? Whenever she went in a boat.

Who went with her when you took her? Pergami, and sometimes other gentlemen that came from Como, the vice prefect and the doctor, and amongst others there was the dame d'honneur, the sister of the baron.

Was there a theatre at Como? There is a theatre, and whenever they went to the theatre we carried them in a boat, when they wished to have a boat.

Has Pergami gone with the princess in your boat when they have gone to the theatre? Pergami was with her.

Did you observe any thing done between the princess and Pergami on those occasions? I have seen them kiss.

Have you seen that more than once? About four times.

Did you ever see any thing else on those occasions than kissing? Not in the boat.

In any other place have you seen any thing else between the princess and Pergami? I have seen them whilst they were in the pantry, and they were taking themselves away from the table, to leave the pantry and go up into the room, and lock themselves into the room.

Which room do you mean, when you say they went to lock themselves into the room? In the bed-room of the princess; here *(describing it)* was the room where they did it, and on the other side there was the room of the princess into which they went and locked themselves.

Were you employed in the house of the princess? I was working in the pantry at five sous a day.

Was that during the time you were working in the pantry that you saw this which you have described? I can swear to have seen them with my own eyes.

Was that during the time that you were in the princess's service? It was.

CROSS-EXAMINED BY MR. WILDE.

Were you examined at Milan? I have been, by Vimercati.

Who took you to Milan? A man by the name of Massareni, of Lugano, took me to Milan.

When did you first mention this, which you saw in the pantry? I have said it before the Advocate Vimercati.

Was that the first time? That was the first time in which I have spoken of what I have seen.

Are you quite sure you never mentioned any thing of it to any body, until you saw Vimercati? He asked me whether I had seen something, and I told him I was always there; and he told me, will you have any difficulty to come and speak to a gentleman, and then this Advocate Vimercati said, will you have any objection to come with me to Milan; and I told him yes, I have no objection, I will come with you to Milan.

When was that? In the month of January.

In what year? Two years ago; eighteen or nineteen months ago, perhaps.

When was it you saw this circumstance in the pantry? In the evening.

How long before you went to Milan? About five or six months before.

Have you a brother of the name of Santino? He is a cousin.

Were you in the boat, at the time you state that you saw Pergami kiss the princess? I was not.

Was a man of the name of Tommaso in the boat? There was.

Any body else? There were ten boatmen.

Name one or two of the ten? I can mention almost all of them.

Mention three or four of them? Tommaso Lago Maggiore, Lorenzo Rogeta, Cristofaro Cassino, my brother Giovanni, and one who is dead.

Did you ever tell any body that Vimercati had offered you money for the information you gave? No, because he told me to go to Milan, where all my expenses would be paid.

You are not asked what Vimercati told you, but whether you have not told other persons that Vimercati had offered you money? No.

Did you ever say you had been promised money by Vimercati? Never.

Did you ever say that any other person had promised you money for the information? No.

You were at work in the pantry? Yes.

Did you go on with your work? Yes, whenever I was there, I went on afterwards with my work.

At the time the princess and Pergami went out of the pantry to the other room, you remained at your work? I went to clear the table.

In the pantry? I went to clear the table from the room in which they had been at dinner, to carry the things down to the pantry.

Do you mean to say that at the time the princess and Pergami left the room, you continued attending to your business? I do.

RE-EXAMINED BY MR. PARKE.

Was the room in which the things were laid out, up stairs or down stairs? Above.

Did the room of the princess communicate with that room? There was only a corridor, where people passed to go to and fro to carry the things.

EXAMINED BY THE LORDS.

How do you know that the princess and Pergami locked themselves into that room? We saw it with our own eyes, for we were there; and we saw them take themselves from the table, and go into the room, and shut themselves in.

Did you hear the key turned in the lock? I did.

Did you attempt to open the door. I did not.

You are sure you heard the key turn in the lock? I am sure, because I heard it; we were there, we saw them pass, and then we went into the room to clear away.

Who was with you in the pantry? Rancatti, my brother, and a certain Giovanni Capella.

Were those persons in the room with you when you heard the key turn in the lock? Yes, always either the one or the other were there.

At what distance were you when you heard the key turn in the lock? Hardly two paces.

Were you in the pantry when you heard the lock turned? I was not.

Were you in the room were they dined when you heard the lock turned? I was not, we had not gone in yet.

Where were you standing when you heard the lock turned? We were standing in the corridor.

Were you in the corridor between the dining-room and the bedroom? Yes.

You are understood to say, that when Pergami kissed the princess in the boat, there were several other boatmen along with you? There were.

Could they have seen that as well as you? Not all could see it, because some were looking and some were not looking.

Could any of them see it? Some of them, if they had been looking, might have seen it; but sometimes they drew the curtains, and then nobody could see it.

Was it done publicly, not with an intention of hiding it? I do not know, I saw them kiss.

When you saw it, were the curtains wide open? They were

Have you at any time had any conversation with any of the boatmen that were in the boat at the time you saw the circumstance you have just alluded to? No.

You never mentioned the circumstance of having seen the kiss, from the time you had seen it, to any person, till you were brought before the Advocate Vimercati at Milan? No, I never mentioned it.

Was any body in the corridor with you when you heard the door of the room locked, as you have stated? There was either my brother or this John Capella.

Can you recollect which? There was either the one or the other, for there was somebody with me every time; we were always two.

Which of them was there at this time? The first time was my brother, and then another time was another; for we were always two.

State the name of your brother? Giovanni.

When this happened, did you ever make any observation to the person who was with you? No; we were in the service; we made our observations, but we made no word of it, for we were attending to our own business.

The witness was directed to withdraw, and the House adjourned.

SEVENTEENTH DAY—WEDNESDAY, SEPT. 5.

The House having met at the usual time, and with the usual formalities, counsel were called in.

Then *Giuseppe Sacchi* was sworn, and examined as follows by Mr. Attorney-general.

Of what country are you? Of Villenchino.

Were you ever in the service of the Princess of Wales? I was.

When did you enter into her service? On the 7th of November, 1816.

Where was the princess then residing? At the Villa d'Este, on the Lake of Como.

How long did you continue in her service? Precisely a year.

What was your situation in her royal highness's service when you first entered it? Courier.

Did you remain in that situation, or did you afterwards fill any other in the princess's service? I was for some months in the same employment of courier, and afterwards I was removed to the office of equerry.

How long did you remain at Villa d'Este? About six weeks.

Do you know Pergami? I do.

Was he at the Villa d'Este when you entered the princess's service? He was.

Soon after you entered the service of the princess, were you sent by her with any despatch to the Duchess of Parma? I was.

Did you bring back any answer to the princess? I brought another despatch.

Where was the princess when you brought back the despatch? At dinner.

Was any one sitting by her at dinner? Pergami.

To whom did you deliver the despatch? To her royal highness the Princess of Wales.

What did she do with it? She read it, and then threw it on the table.

Did any one take it up? Pergami took it up at the time that her royal highness turned herself to me, to inquire after some further information; he took it up and read it, or pretended to read it, without asking permission.

Do you recollect after that being sent to Milan with a letter? I was sent at the beginning of the month of December with a despatch to the Governor Saurau.

Did you receive any directions on your going to Milan, as to bringing back an answer? I was desired by Pergami to make the utmost speed, and bring an answer back during the same night.

Did you return to the Villa d'Este on that night, or on the following morning? I returned immediately after midnight.

Upon your return, where did you go? I dismounted from my horse, I went into the kitchen, where I found a footman, whom I asked where Mr. Pergami was.

In consequence of the answer, where did you go? I mounted the stairs, and went into the ante-room of the apartment of Pergami.

What did you do on going into the ante-room? I found a servant of Pergami asleep; and I went towards Pergami's bed-room; finding the door open, I went in, and saw the bed of Pergami tumbled, but there was nobody in it.

What did you do upon that? I went away, and in going away I heard a noise on the opposite side; and at the same time I heard "Who is there?" Then I knew that it was the voice of Pergami, to whom I answered, that it was the courier returned from Milan; Pergami told me that there was no such necessity to give him this answer.

How was Pergami dressed at that time? In his dressing-gown.

Did you perceive what he had on under his dressing-gown? I saw only about his breast, which was unbottomed or untied; and I saw nothing else but his shirt.

In what place was it that you saw Pergami? I saw him in a room where there was a door opposite to the door of his room.

Did you see where Pergami came from? I could not see it on account of the darkness.

Where did that door lead to, which you have mentioned, which was opposite Pergami's room? It led into more rooms.

Who occupied those rooms? No one.

Do you know what room was beyond those rooms; do you know where the princess slept? I do not.

Do you know where the princess's bed-room was? I do not.

Whilst you were at the Villa d'Este, have you ever seen the Princess and Pergami together? Several times.

Where have you seen them together? I have seen them walking through the court and the garden.

How were they walking together? Arm-in-arm.

Whilst you were at the Villa d'Este, do you recollect carrying any letter to General Pino? I do.

Did you bring back any answer from General Pino? I brought a verbal answer.

To whom did you deliver that verbal answer; did you deliver it to the princess? I did.

Where was the princess when you delivered that answer? In her own ante-chamber.

Whereabouts was that ante-chamber? Immediately after mount-

ing the stairs, by turning on the left there was a corridor; and by turning again on the left hand through the corridor, after a few paces, there was on the left the ante-chamber of her royal highness.

Was that ante-chamber of her royal highness near the place where you saw Pergami, or where was it? It was near the place where I saw Pergami.

Do you mean when you saw Pergami at night on your return from Milan? I do.

How near? On the same corridor there was, on the right, and more particularly opposite to the door of her royal highness, a door which led into a room, which room led into another, where I saw Pergami.

You say that the princess used to walk arm-in-arm with Pergami; what expressions did she use in addressing him? Familiar expressions, confidential.

What were they, do you recollect? I have heard her call him sometimes by the expression, "mon ange," "mon amour," "mon cœur,"—my angel—my love—my life.

Do you remember the princess going to Turin? I do.

Did you go with her? I did.

Where did they go to at Turin, to what inn? To the inn The Universe.

Did you go before the princess to Turin? I went before her the last stage.

Did you make any arrangement of the rooms at that inn, for the accommodation of the princess and her suite? Yes; it was arranged between me and the innkeeper, to give to her royal highness the best apartment, and to the dame d'honneur, and also to the femme de chambre; and to the gentlemen I allotted another apartment, quite separate from the rest.

Did that arrangement continue, or was it altered? At the arrival of the princess and Pergami I shewed to them the distribution I had made; but it did not meet with the approbation of her royal highness, or of Pergami; and the apartment which I had destined for the gentlemen, was dedicated to her royal highness, to the dame d'honneur, to Signior Pergami, and to the femme de chambre.

How near was the chamber of Pergami upon this alteration to that of the princess? Between the room of her royal highness, and that of Pergami, there was the room where the Countess Oldi slept.

Was there any communication from Pergami's room, through the chamber of the Countess Oldi, with that of the princess? There was a mutual communication.

How long did they remain at Turin? About six days, I do not know exactly.

Do you remember going with the princess and Pergami to the Barona? I do.

Whilst they were at the Barona, were any balls given there by the princess? Many balls.

What description of persons attended those balls? At the beginning, besides the persons in the suite of her royal highness, there came also some people of distinction; but in these balls were introduced people of all ranks, and both sexes, and even of very low condition; and as between some of the suite of her royal highness and these low women there was some freedom, thus those people of distinction were no longer seen.

What sort of freedom, what do you mean by freedom? Those per-

sons took those women out from the ball-room, and made them go out at their pleasure and will *(alcune persone)* some persons *(prendevano queste donne)* took these women *(e le facevano sortire dalla sala di ballo)*, and made them go out from the ball-room, *(a loro piacere)* according to their pleasure, *(e volontà)* and will.

Did the princess know this?

The Solicitor-general of the queen objected to the question.

The counsel were informed, that they had better ask, what the witness saw.

Have you heard the princess say any thing at those balls, upon those persons going out or coming in? I have not.

Did you hear the princess say any thing, or did any conversation take place between the princess and yourself, respecting any of those females who were at the balls? One day whilst I was in the court, and her royal highness and Pergami were there, the princess told me these precise words,—she said that she wished to make a present to some of those girls, and then she asked me, "How can we dress these young virgins *(verginelle)* Mr. Sacchi?" Then she asked me, "Do you believe they are such?" I answered, that as far as I was concerned, I believed them to be *(oneste)* modest girls, and I had nothing to say against them; her royal highness said to me, "I know, you rogue, that you have gone to bed with three of them, and how many times you have had intercourse with them." I being surprised at this compliment, endeavoured to persuade her royal highness that she was deceived; and Pergami, who was present, began to laugh and to cry aloud, "It is true, it is true, it is true."

(The Attorney-general of the queen to the Interpreter.)—Is there any other word in Italian but vergini and verginelle for maids and little maids? No, maids and virgins are expressed by the same word, vergini or verginelle.

(Mr. Attorney-general.)—You have said, that the princess stated that she was about to make a present to some of those girls; did you learn from her to which of those girls this present was intended to be made? No.

Have you seen the princess at those balls in the same rooms with those persons of low description, and girls who came there? Several times.

Did the princess join in the dancing? Sometimes.

Have you, on any of these occasions, heard the princess make any other remark upon those women, or upon their conduct? When one of those women came by day-time to the house of her royal highness, and when she was seen by her royal highness, she pointed her out by her finger, and laughed; and on such an occasion once she exclaimed, How much the population of Barona must increase!

Did you accompany the princess in her tour through Germany? I did.

In the course of that journey, do you remember Pergami's purchasing a carriage calculated to carry two persons? I do.

After that carriage was purchased, who used to travel in it? During the night and during the days, bad weather, it was for my use.

Did the princess ever travel in it herself? Yes, during the days of fair weather, many times she travelled in this carriage with Pergami.

Do you remember on any occasion when the princess and Pergami were travelling in that carriage, their going on before you? I remember that one day, whilst they had remained at a place whose name I forget, her royal highness and Pergami set out suddenly in this small carriage; for I was not in time to follow them, as I was obliged to see about getting the other carriages ready; and having followed them as

soon as I could, and making the most haste, I could not overtake them till they had arrived at the first stage.

When you arrived at that place, did you see the princess and Pergami any where? I asked about them, and I was pointed to a room in the first floor.

Did you go to that room? I went, and knocking at the door, I inquired whether I could enter; Pergami answered me to come in, as I did; after I had entered, I saw her royal highness and Pergami upon the bed, but I must observe that they were decently dressed, and at a distance from each other.

How were they placed upon the bed; how were they sitting or lying on the bed? They were lying on the bed as far as the middle, and the back was supported against the wall.

In the course of that journey did you stop at any inn at which there were any English persons? I do not know.

Had you received any directions from any person on the subject of the English? I remember, that when I preceded her royal highness on the road to Munich, she told me that the first thing in settling for lodgings was to inquire, whether there were any English; I was to inquire after his rank, and to go somewhere else for the lodgings of her royal highness.

In the course of that journey, what was the general disposition of the bed-rooms of Pergami and her royal highness? I continued to distribute the lodgings as far as Carlsruhe, but when we arrived at Carlsruhe, there having happened the same thing that had happened at Turin, that is to say, the change of the bed-rooms, I did not meddle with it any more during the rest of the journey, leaving to her royal highness and Pergami to choose what rooms they liked best.

What was the disposition of the rooms of the princess and of Pergami during that journey, as far as you know? Generally they were as near as possible.

In the course of that journey did you go to Monte Falcone? Setting out from Trieste, we went to Monte Falcone.

At what time of day did you arrive at Monte Falcone? We arrived when it was already night.

Where did the princess and Pergami go upon their arrival at Monte Falcone? As we had been overtaken by a violent storm, and by great darkness, we were obliged to stop at a miserable inn.

Where did the princess and Pergami go at that inn, into what room? They mounted the stairs, and went into a room where there was a bed.

Did they remain in that room alone? They remained alone till the rest of the suite arrived.

How long was it that they remained alone in that room? Between an hour and an hour and a half.

After that journey did you return to Milan, to La Barona? We did.

From the Barona did you go to Rome? Yes.

In your way to Rome, did you stop at a place called Savignano? Yes.

Was the princess ill at Savignano? She was overtaken by violent pain.

Did you yourself see who attended upon the princess upon that occasion? Pergami and the Countess Oldi.

Do you know whether any medicine, or any applications, were given to the princess on that occasion? I do not know whether they were intended for her royal highness, but I saw Pergami and the Countess Oldi make some cloths hot.

Did you see where Pergami and the dame d'honneur carried those hot cloths? As those cloths were made warm, Pergami as well as the countess carried them into the room where was her royal highness.

Did you go to Ancona? Yes.

At Ancona, do you know the situation of the princess's bed-room with respect to Pergami's? One day I was called by Mr. Pergami, whilst he, Pergami, was still in bed; and whilst he was speaking to me, there was a door open which led into another room.

Was the door open when you went into Pergami's room, or was it opened whilst you were there? The door was open when I went into Pergami's room.

Do you know into what room that door opened? Another room, which I believe was that of her royal highness.

Why do you believe that was her royal highness's room?

The Solicitor-general for the queen objected to the question.

The Attorney-general was heard in support of the question.

The Solicitor-general of the queen was heard in reply.

The counsel were informed, that the proper question would be, Whether he knew that that was the princess's bed-room?

(Mr. Attorney-general.)—Do you know, whether that was the princess's bed-room into which that door opened? I cannot say it with certainty.

What did you see in that room when the door was open? I saw some things belonging to her royal highness; as for instance, the boxes belonging to her toilet.

Did you see the bed in that room into which the door opened? There was one.

Did you afterwards go to Ruffinelli? We did.

At that place was Pergami ill, and confined to his bed? He was.

Had you occasion, during Pergami's illness, to go to his room at night? One evening that I was going to visit him, when I was at the door, which I found by a third part open, I saw Pergami in bed.

About what hour was that? About eleven o'clock at night.

You say you saw Pergami in bed; did you see any body else in the room? There was also her royal highness.

Where was her royal highness? She was by the side of the bed, stretched on a sofa.

Could you see what was on the sofa? There were some cushions.

Upon seeing the princess in that situation, did you go into the room or did you turn back? I quitted the room immediately.

From Ruffinelli did you go to the Villa Brandi? We did.

In what part of the house did you sleep at the Villa Brandi? I slept in the wing of the house, on the left of the entrance door.

Do you know where Pergami slept at the Villa Brandi? He slept on the right hand, exactly opposite to my room.

Do you know where the princess slept? Her royal highness also slept on the same side of the house on which Pergami slept.

Do you remember at any time at the Villa Brandi, after the people of the court were gone to bed, seeing Pergami any where? I remember one night after midnight, whilst it was insufferably hot that nobody could sleep, I was at the window of my room, and as I heard a noise on the side of the room of Pergami, I withdrew a little; I saw Pergami come out from his room and go to the door which led into the apartment of her royal highness; he opened the door, entered, and I saw him come out no more.

How long did you remain at the window after you saw Pergami go in the manner you have described? About an hour.

On any other night did you see Pergami? A few days after, I saw the same thing.

At what time was it that you saw Pergami the second time? Nearly about the same hour as the first.

Did you, upon that second occasion, see Pergami return to his room? I did not.

How long were you at your window the second time when you saw Pergami go, and during which you did not see him return? About a quarter of an hour.

Whilst you were at the Villa Brandi, did you see any busts? I saw two.

Of whom were they, the busts, whom did they represent? I was told that one was for her royal highness and the other for Pergami.

You are not asked what you were told, but whose likenesses did they appear to you to be? One represented her royal highness, the other Pergami.

Where was it you saw those busts? I saw them in the room of Pergami, at the Villa Brandi.

Were the busts of the same size with each other? Nearly.

In what month was it that you saw Pergami going, as you say, at night from his room? The month of July.

Did the princess go from Rome to Senegaglia? She did.

Did she travel by night or by day from Rome to Senegaglia? She travelled always by night.

Was it very hot weather at that time? It was very hot.

In going from Rome to Senegaglia, did you go to the carriage in which the princess was? Always by the side of it.

Were there curtains round the princess's carriage? There were.

Did you at any time go to the carriage and draw away the curtains for any purpose? Several times.

For what purpose; what was the occasion of your doing that? Every morning when day appeared I went near to the carriage to ask her royal highness whether she wanted any thing.

Who travelled in that carriage with her royal highness? Mr. Pergami, and sometimes there was the Countess Oldi, or the little girl of Pergami.

Upon any occasion when you have gone for this purpose, have you observed in what situation the princess and Pergami were? It has happened to me two or three times to have found them both asleep, and having their respective hands one upon another.

Describe in what way, one upon another? Her royal highness held her hand upon the private part of Mr. Pergami, and Pergami held his own upon that of her royal highness.

Did you observe on any of those occasions the state of Pergami's breeches? Once I saw that Pergami had his breeches loosened from the braces, that he had the front part of his breeches, the flap, half-unbuttoned.

Upon that occasion did you observe where the princess's hand was? One hand was upon that part.

Was any one in the carriage besides Pergami, at that time? I do not remember.

Did you say that they were asleep at that time? I did.

Did you, in going from Rome to Senegaglia, see any thing else pass between the princess and Pergami? I saw once her royal highness kiss the neck of Pergami.

Did you afterwards go to Pesaro? We did.

During the time that the princess was at Pesaro, did Pergami go away for any time? He went to Bologna, where he remained for two days.

Upon his return did the princess go to meet him? Her royal highness went to meet him with a part of her suite.

Did she meet him? Her royal highness met him near Cattolica.

When they met each other, did you observe what was done by them? When they met they each dismounted from their respective carriages; they met and embraced, and kissed each other.

Did they then return to Pesaro? They did.

Did they return in the same carriage, or in different carriages? In the same carriage.

Did Pergami use to dine with the princess at Pesaro, and before? I do not know, because I was never present when they were at dinner.

Do you know where Pergami's mother and brother Louis dined? When they entered the service they dined in a room by themselves.

Did any alteration take place in their dining whilst you were at Pesaro? I do not know.

At the time you were at the Villa d'Este, did any persons of distinction visit her royal highness? Once I saw General Pino.

Did you see any other persons of distinction there? I do not remember.

Was there a person of the name of Verona in the princess's service? There was.

What was he? A servant.

In what capacity? Like any other servant in the house; he waited at table.

Do you know what he had been before he came into the princess's service? I never knew what his employment had been before.

Have you ever heard Pergami converse with the princess about Verona? I do not remember.

CROSS-EXAMINED BY MR. BROUGHAM.

You do not understand English at all, it is taken for granted? No.

Not at all? Not at all.

How long have you been in this country? About fourteen months.

Where have you lived all that time? Sometimes in London, sometimes in the country.

Your name is Sacchini, is it not? Sacchi.

Did you ever go under the name of Sacchini? All at Milan called me Sacchini, which is a diminutive.

But whilst you were in this country the people called you neither Sacchi nor Sacchini; they called you Milani, did they not? It is true.

You have always gone by the name of Milani in this country? It is true.

Whom did you live with at Stevenage; did not you live at Stevenage? Some time.

How long did you live at Stevenage? I never lived at Stevenage.

Where did you live when you were in the country? Aston.

How far is Aston from Stevenage? Four miles.

Whom did you live with there? In the house of the Rev. Philip Godfrey.

Have you seen Mr. Godfrey in town lately? Once.

After you left the princess, where did you go to live first? I went to Milan.

Did you go into any other service there? I did not.

How long did you remain out of place? Always.

You have never been in any other service since? Never.

When were you first examined at Milan upon this business? In the month of November of the year 1818.

Was that the first time that you told this story to the persons at Milan? No, I have said it at other times.

When was the first time you were examined upon the subject? In November in the year 1818.

Whom had you told it to before that? To different people.

Name one of them? I do not remember any of them.

Who asked you to go to be examined at Milan in 1818? A messenger sent to me by the advocate Vimercati.

Whom did you see with Vimercati when you went to him? No one else but Vimercati.

Did he then examine you? No, it was not that time.

When did he examine you? After about a fortnight.

Whom did you see then, when you were examined? I saw the advocate Vimercati, and the advocate Powell, Colonel Brown, and another gentleman called Cooke.

Did they take down what you said in writing. They did.

Did they swear you to it, did they make you take an oath? At Milan I never took an oath.

Where did you take the oath then? In London.

Was it at Mr. Powell's chambers you took the oath? Just so.

In what way were you living and supporting yourself at Milan at the time that they sent for you? I have always had means of my own to support myself.

What wages had you as courier to her royal highness? There never were any wages settled to me.

Do you mean that you served as a volunteer without wages? No, I have received something, but there was no fixed salary.

How much did you receive the first half year that you were courier? I have received three times money during the time I have been in the service of her royal highness, making altogether the sum of sixty or seventy Napoleons.

How much did you receive of that sixty or seventy Napoleons during the time that you acted as courier only to her royal highness? I do not remember.

How long did you serve as courier of the year that you were there? About nine months.

Who hired you for her royal highness? I entered into her royal highness's service through the good offices of the banker Ceriani, the baron Cavaletti, and Pergami.

Do you mean to represent, that when you went to her royal highness you were in easy circumstances? I have always been, thank God, in easy circumstances.

Were you as well dressed the day you went to her royal highness to be hired as you are now? I have always been dressed equally.

You were called Count Milani here, when you were introduced to Mr. Marietti, were you not? I do not know.

Do you mean to swear you do not know whether you were introduced to Mr. Marietti here in London as Count Milani, or not? I have sworn to say the truth, and to say the truth alone, and I swear that I do not know that I was introduced to Mr. Marietti as Count Milani.

Do you mean to swear that you never were called Count Milani in your own hearing, in Mr. Marietti's hearing here in London? I am sure that I never heard myself called Count.

Do you mean to swear you never heard yourself called Count at Aston, where you lived with Mr. Godfrey? I am sure I never heard myself called Count at Aston.

Will you also swear that you did not introduce yourself to Mr. Marietti as a merchant? Never.

That you never stated that you came over to this country for commercial purposes? No, I have always said, that I had come in the service of a Spanish family.

In the service of what Spanish family did you come over?

The Attorney-general objected to the question, as assuming that the witness had come over in the service of a Spanish family, and that the witness had not so stated.

Mr. Brougham.—Is it true, or not true, that you came over to this country in the service of a Spanish family? It is not true.

Did you not represent to Mr. Marietti, or to some person in his family here, that the princess owed you money? I said that I had a law-suit, a process with her royal highness, but I never said that she owed me money.

Was it true or not that you had a law-suit with her royal highness? I meant to say, that I was in the process which was making against her royal highness.

Did you mean to tell Mr. Marietti's family, that you were one of the witnesses against her royal highness? No.

Was it a double entendre, then, that you used in speaking to Mr. Marietti? I never spoke of that with Mr. Marietti.

With whomsoever you have spoken of that which you represented, namely, that you had a law-suit, did you use that expression as a double entendre to that person?

The Attorney-general objected to the question.

The Attorney-general of the queen was heard in support of the question.

The Counsel were informed, that, in the opinion of the house, the question could not have been put in the first instance if it had been objected to, but that the witness had already answered the question, adopting the expression "double entendre."

The question was proposed to the witness.

Yes, as a double entendre.

Did you ever disclose to Mr. Marietti, or any of his family, that you were one of the witnesses against her royal highness? I told it to Mr. Marietti after I returned from Aston.

How long ago is that? About two months ago.

Did you not at that time know that Mr. Marietti's family had discovered who you were? I do not know.

Do you mean to swear that you did not know at the time you told him who you were, that they already knew who you were? Who I was as a witness, do you mean?

Your name in the first instance, that they had found out your real name? Yes, because I have mentioned it to some persons much before.

But not to any of the Marietti family? I told my real name to one of the brothers of Marietti, who was in Aston with me.

When was it that you so told your name to one of the Marietti's? After I had been at Aston a few months.

How long ago is it, how far back? Seven or eight months.

To whom was it you told your name, and who you were, two months ago? Two months ago, I do not remember.

Did the gentleman of Mr. Marietti's family, to whom you disclosed who you were, ever see you afterwards? It is some time since he has set out for Milan.

Have you ever been in Mr. Marietti's house since you mentioned this to the gentleman, who has gone to Milan? Several times.

When was the last time you were there, to make a visit? Three or four months.

Did they then know that you were Milani or Sacchi? The brother who has set out for Milan knew that I was Sacchi; the others I do not know.

Did the other call you Sacchi the last day you were there visiting? Never.

Did you tell the family of Mr. Godfrey, at Aston, that you were Sacchi or Milani, the last time you were there? I said I was Sacchi.

Did you tell them you were one of the witnesses too? I did not say it myself, but I caused it to be told.

By whom did you cause this to be communicated to the family? By a Mr. Sperati.

Who is Mr. Sperati? A Milanese gentleman, whom I have known in the house of Marietti.

Is he not a near relation of Mr. Marietti? I have heard he is a cousin.

What was the first time that Sperati knew who you really were? It was one day he came to Aston to pay me a visit, and I told him who I was.

How long is that? Seven or eight months ago.

You will swear that it was at least seven months? About seven months.

Did you ever make application to be taken back into the service of her royal highness? I do not remember.

Did you ever represent, after you had left the service of her royal highness, that you were in a destitute condition? Never.

Did you ever entreat any person of her royal highness's household to have compassion on your dreadful situation, after you had left her royal highness? I have never been in a dreadful situation.

Will you swear that you never entreated any one of the suite of her royal highness to take pity, or to take compassion on you, after you had left her? On what account to have pity; on what account to have compassion?

Will you swear that you never entreated any one of the suite of her royal highness, after you had left her service, to have pity on you, or to take compassion on your situation? It may be.

Did you ever represent to any person, after you left her royal highness's service, that you taxed yourself with ingratitude towards a generous mistress?

The Attorney-general submitted that the question should be put, whether he had so represented himself in conversation; for that if the representation was in writing, the writing itself must be produced before the question could be put.

The Attorney and Solicitor-generals for the queen were

heard in support of the question, and the Attorney-general in reply. Counsel were then directed to withdraw, and it was ordered that the following question be put to the judges:

"Whether, according to the established practice in the courts below, counsel cross-examining are entitled, if the counsel on the other side object to it, to ask a witness whether he has made representations of a particular nature, not specifying in his question whether the question refers to representations in writing or in words?"

The question was delivered to the Lord Chief Justice; the learned judges requested leave to withdraw, and after a short time returned.

Lord Chief Justice Abbott.—"My lords, the judges have conferred upon the question proposed to them by your lordships, 'Whether, according to the established practice in the courts below, counsel cross-examining are entitled, the counsel on the other side objecting to it, to ask a witness whether he has made representations of any particular nature, not specifying in the question whether his question refers to representations in writing or in words.'

"My lords, the judges find a difficulty to give a distinct answer to the question thus proposed by your lordships, either in the affirmative or the negative, inasmuch as we are not aware that there is in the courts below any established practice which we can state to your lordships as distinctly referring to such a question propounded by counsel on cross-examination as is here contained; that is, Whether the counsel cross-examining are entitled to ask the witness whether he has made such representation; for it is not in the recollection of any one of us that such a question in those words, namely, whether a witness has made such and such representation, has at any time been asked of a witness: questions, however, of a similar nature are frequently asked at nisi prius, referring rather to contracts and agreements, or to supposed contracts and agreements, than to declarations of the witness; as, for instance, a witness is often asked whether there is an agreement for a certain price for a certain article, an agreement for a certain definite time, a warranty, or other matter of that kind, being a matter of contract; and when a question of that kind has been asked at nisi prius, the ordinary course has been for the counsel on the other side not to object to the question as a question that could not properly be put, but to interpose on his own behalf another intermediate question, namely, to ask the witness whether the agreement referred to in the question originally proposed by the counsel on the other side, was or was not in writing; and if the witness answers that it was in writing, then the inquiry is stopped, because the writing must be itself produced.

"My lords, therefore, although we cannot answer your lordships' question distinctly in the affirmative or the negative, for the reason I have given, namely, the want of an established practice referring to such a question by counsel; yet as we are all of opinion that the witness cannot properly be asked on cross-examination whether he has written such a thing (the proper course being to put the writing into his hands, and ask him whether it be his writing); considering the question proposed to us by your lordships with reference to that principle of law which requires the writing itself to be produced, and with reference to the course that ordinarily takes place on questions relating to contracts or agreements; we each of us think that if such a question were propounded before us at nisi prius, and objected to, we should direct the counsel to separate the question into its parts.

"My lords, I find I have not expressed myself with the clearness I had wished, as to dividing the question into parts, I beg therefore to inform the house, that by dividing the question into parts; I mean that the counsel would be directed to ask whether the representation had been made in writing or by words. If he should ask whether it had been made in writing, the counsel on the other side would object to the question; if he should ask whether it had been made by words, that is, whether the witness had said so or so, the counsel would undoubtedly have a right to put that question, and probably no objection would be made to it."

The counsel were called in, and were informed that if, on cross-examination, they inquired of a witness whether he had made representations of any particular nature, stating the nature of those representations, they should, in their inquiries, ask the witness first "Whether he made the representations by parol, or in writing."

The Attorney-general of the queen inquired, whether he was to understand, before he had asked, whether the witness made any representations, he was to ask whether it was in writing.

The counsel was informed, that he might put the question, referring, in the mode of putting it, to a representation by parol; or that where a question of that kind was put, the counsel on the other side was justified by the practice in breaking in upon the course of the cross-examination, so far as to put the question, whether the declaration, if made, was by parol or in writing.

The Attorney-general of the queen begged to know, whether he might be at liberty to alter his question, and to put it, "Did you ever make any representation in writing concerning your real or supposed ingratitude towards so generous a mistress as her royal highness?"

The counsel were again directed to withdraw, and when called in, the counsel for the queen were asked, whether they wished to withdraw the question? The Attorney-general of the queen stated, that he earnestly begged to withdraw the question, to save the necessity for further discussion. The witness was again called in.

Attorney-general of the Queen.—Did you ever say to any person that your conduct towards her royal highness was liable to the charge of ingratitude with respect to a generous benefactress? Never.

Is that your hand-writing? *(A letter being put into the hands of the witness.)* It is.

Is that your hand-writing? *(Another letter being put into the hands of the witness.)* It is.

Is that? *(Another letter being put into the hands of the witness.)* It is.

The letters were delivered in, and marked by the clerk assistant.

Were you ever called by any other name than Milani, Sacchi, and Sacchini? I have been called by another name, and I am still called.

What is that other name? I beg, as a favour from the house, that I may not be obliged to state that; if I should tell what name I go by, I might be exposed to the fury of some person that is ill-intentioned; I beg, as a favour, that the house would interpose their authority that such a question, and such an answer, should not be inserted in the public papers.

Did you ever go by any other name than that while you were abroad in Italy? I do not remember to have ever been called by any other name.

Did you ever make use of any other name while you were in Italy, for the purpose of corresponding with other persons? I do not remember.

Have you ever been in Switzerland? Many times.

Were you ever at Morge? I have.

Were you ever at Colombier? I have.

How long have you been at Morge and Colombier at a time? About six weeks.

Did you let it be known by every body there that you were in that neighbourhood, or did you conceal yourself? I made myself known to all.

Under what name did you go there? By my own proper name, Sacchi.

Had not you money in your name at a banker's at Lausanne? I had.

How much had you there in your name? Fifty louis.

Will you swear you had not more than that at one time at that banker's? I had no more than those fifty louis.

Will you swear you never had a credit which empowered you to draw upon that banker for a larger sum than that? I never had.

Have you never represented that you had a larger sum or a greater credit? I do not remember to have said so.

But you will not swear that you have not said so? I cannot swear when I am in doubt.

Did not you fetch a certain Mademoiselle Demont from Switzerland to Milan? I did.

Did you bring her back? I did not.

But you went to prevail upon her to go to Milan, did you not? Not to prevail upon her, but to ask whether she would go or not.

Who employed you to fetch her, or to procure her attendance? I was desired by the commission at Milan.

Did you tell any person in Switzerland that Demont was gone back, or going back, to return into her royal highness's service? Never.

Whom did you come over, yourself, to this country with? A courier, called Mr. Krouse, and my servant.

Is that Mr. Krouse the person who was lately arrested at Paris on a charge of having dealt in forged notes? I never heard speak of that.

Did Mr. Krouse come over with you to London, or remain in Paris? He came with me over to London.

Is Mr. Krouse a regular messenger, one of the king's messengers, or only employed on the Milan commission business? I do not know.

Have you made any other journeys with Mr. Krouse? I have not.

How much money did you get by the Milan commission for your trouble while you were at Milan? I have received no other sum except for the expenses of the journey that I made to go to Lausanne and return, and for another journey which I took to Scharnitz and returned.

Do you mean to swear, you have received no promise of any sum from the Milan commission for your trouble? I can swear never to have received any promise.

Do you mean to swear you have received no promise from any person of a remuneration for your trouble in this business? I can swear never to have received any promise.

Do you mean to say you will swear you never received any promise, from any person, of any advantage, of any sort, to be given you for this? I have never asked for any thing, nor has ever any thing been offered to me.

The question is not whether you have ever asked for any thing, or any thing has been offered to you; but whether any promise was ever made to you, by any person, of any advantage whatever? No one has ever promised me any thing.

Have you ever said to any person that you have received any money, or any promise of any money, or of any advantage? I have never said to any person that I had received any money, or any advantage; I might have said that I have received the money for the expenses of my journey.

Do you expect to receive nothing for your trouble in this business from any person? I hope that my time will be paid, which they have made me throw away till now.

Have you ever seen Mademoiselle Demont since you came to this country? Many times.

Have you seen any of the other witnesses in this business? Never.

RE-EXAMINED BY MR. ATTORNEY-GENERAL.

Where does your family live? My family now resides at Trobio.

Were you ever in the army? For ten years.

In what army did you serve? In the army of Italy.

Whose army of Italy was it; Buonaparte's army? Of the kingdom of Italy, headed by Buonaparte.

What rank did you hold in the army at the time you quitted it? First lieutenant of cavalry.

When were you made a lieutenant of cavalry? On the 6th of September, 1813, in the field of battle.

At the time you left the princess's service, did you receive from her royal highness any certificate to your character? I did.

Have you got it about you? I have. *(Producing a paper.)*

Is it signed by her royal highness herself, in her own hand-writing? When it was given to me, I was told that it had been signed by her royal highness.

Have you ever seen her royal highness write? I do not remember.

Have you ever seen any letters which have been written by her?

The Attorney-general of the queen objected to the question.

Mr. Attorney-general.—Do you know whose seal is annexed to it. I do.

Whose seal is it? A seal that I have seen often on the letters that her royal highness gave me.

Who gave you that certificate? Count Sciavini.

The Attorney-general requested that the certificate might be read.

The Attorney-general for the queen submitted, that it was not sufficiently proved.

Mr. Attorney-general.—You say that was given to you by Sciavini? I repeat it.

Is the body of the certificate written by Sciavini? Yes.

At the time you received that certificate, or about that time, was Sciavini the person who was in the habit of giving characters to persons who left her royal highness's service?

The Attorney-general of the queen objected to the question.

What situation did Count Sciavini hold in her royal highness's service at that time? Marshal of the palace.

When the servants quitted the service of her royal highness, did any person in her household usually give them characters? I have not seen; but Majocchi so received his certificate, and that was given to him by Sciavini.

Had Sciavini the office of marshal of the palace at the time he gave you that certificate? He had.

Did you apply to him for a certificate to your character? I did not.

How long before you quitted her royal highness's service was it that Majocchi quitted? Majocchi went away before me.

How long before you? I do not remember.

About how long? About two months.

The Attorney-general submitted, that he was now in a condition to read the certificate, connecting this evidence with that given on a former day. (*Vide page* 566.)

The Attorney-general of the queen objected to its being read, and stated, the seal was not capable of being deciphered, and that there was no proof it was put by her royal highness.

The counsel were informed that the evidence was not sufficient to permit the certificate to be read at present.

You have been asked as to your communication with persons of the name of Marietti; who are the Marietti's? I have known several brothers called Marietti.

Have they a banking-house at Milan? The family of Marietti are bankers at Milan.

Have they also a house of trade in London? I know no establishment under their firm.

Do you know the firm of Orbicini and company? I do.

Is one of the Marietti's a partner in that house? I believe so.

Do you know whether the Marietti's are the princess's bankers at Milan? I know that the house were so.

You have stated, in answer to a question, that about two months ago, one of the Mr. Marietti's called upon you? I did.

Upon that occasion did Marietti state for what purpose he called upon you? He did.

The Attorney-general of the queen objected to a statement of the conversation between Marietti and the witness.

The Attorney-general was heard in support of the examination.

The following questions and answers were read from the previous part of the evidence:

"Did you ever disclose to Marietti, or any of his family, that you were one of the witnesses against her royal highness? I told it to Mr. Marietti after I returned from Aston.

"How long ago is that? About two months ago.

"Did you not at that time know that Mr. Marietti's family had discovered who you were? I do not know.

"Do you mean to swear that you did not know at the time you told him who you were, that they already knew who you were? Who I was as a witness, do you mean?

"Your name in the first instance, that they had found out your real name? Yes, because I had mentioned it to some persons much before.

"But not to any of Marietti's family? I told my real name to one of the brothers of Marietti, who was at Aston with me.

"When was it that you so told your name to one of the Marietti's? After I had been at Aston a few months.

"How long ago is it, how far back? Seven or eight months.

"To whom was it you told your name, and who you were, two months ago? Two months ago, I do not remember.

"Did the gentleman of Mr. Marietti's family, to whom you disclosed who you were, ever see you afterwards? It is some time since he has set out for Milan.

"Have you ever been in Mr. Marietti's house since you mentioned this to the gentleman who is gone to Milan? Several times.

"When was the last time that you were there to make a visit? Three or four months.

"Did they then know that you were Milani or Sacchi? The brother who has set out for Milan knew that I was Sacchi, the others I do not know."

Mr. Attorney-general.—Upon what occasion was it that you told Marietti you were a witness against the queen? On the occasion that he came to pay me a visit at my lodgings, about two months ago.

What was it that made you state that to Marietti; what had Marietti said, or had any thing passed which induced you to state that to Marietti at that time? Mr. Marietti before coming sent to me one of his friends.

The counsel were directed to withdraw, and the house adjourned.

EIGHTEENTH DAY, WEDNESDAY, SEPTEMBER 6.

On the motion of Lord Kenyon, "copies of all communications which had taken place between his majesty's government and her majesty's counsel and agents, touching pecuniary supplies since the month of June last; also an account of all sums furnished to her majesty since her arrival in this country,"—were, on a division, ordered to be produced by a majority of sixty votes.

On the re-admission of strangers, the Lord-Chancellor was recapitulating what had occurred on the preceding day, on the question to the witness Sacchi, relative to what had

passed between him and the banker Marietti. His lordship having considered the subject, wished to simplify the question to be put to the judges, by reducing it to a form which was nearly to the following effect:—" If on the trial of an action brought by A. the plaintiff against B. the defendant, and the counsel for the plaintiff should then proceed further to examine the witness as to what passed between him and C. D., as far only as related to his conduct; the question was, whether according to the established rules of the courts below, the counsel for the plaintiff would be entitled to re-examine this witness? On this question, and on questions as to the right of examining the witness on what had passed between him and C. D., before or after the witness had stated himself to be a witness for the defence, he thought it might now be right to ask the opinion of the judges.

The questions were delivered to the Lord Chief Justice, and the learned judges requested leave to withdraw.

After some time the learned judges returned; when the house being informed, that the learned judges differed in their opinion as to the answer to be given to the questions proposed to them, they proceeded to deliver their opinions *seriatim*.

Then Mr. Justice Richardson delivered his opinion on both questions in the negative, and referred to the reasons to be delivered by the Chief Justice of the King's Bench. Mr. Justice Best delivered his opinion on both questions, in the affirmative, and gave his reasons at considerable length. Mr. Baron Garrow, Mr. Justice Burrough, Mr. Justice Holroyd, Mr. Baron Graham, the Lord Chief Baron, and the Lord Chief Justice of the Common Pleas, severally delivered their opinion on both questions, in the negative, and referred to the reasons to be delivered by the Lord Chief Justice of the King's Bench. Then the Lord Chief Justice of the King's Bench delivered his opinion on both questions, in the negative, and gave his reasons, in which he stated he was desired by the other Judges, except Mr. Justice Best, to say that they concurred.

Lord Chief Justice Abbott.—My lords, I agree with the other judges in considering the two questions proposed to us by your lordships to be, with reference to the point on which our opinion has been asked, substantially one; and that question, as proposed by the house, contains these words, " the witness being re-examined, had stated what induced him to mention to C. D. what he had so told him," by which I understand that the witness had fully explained his whole motive and inducement to inform C. D. that he was to be one of the witnesses; and so understanding the matter, and there being no ambiguity in the words, " I am to be one of the witnesses," I think there is no distinction to be made between the previous and subsequent parts of the conversation, and I think myself bound to answer your lordships' question in the negative.

I think the counsel has a right, upon re-examination, to ask all questions which may be proper to draw forth an explanation of the sense and meaning of the expressions used by the witness on cross-examination, if they be in themselves doubtful; and also of the motive by which the witness was induced to use those expressions; but I think he has no right to go further, and to introduce matter new in itself, and not suited

to the purpose of explaining either the expressions or the motive of the witness. And as many things may pass in one and the same conversation relating to the subject of the conversation, (as in the case put by your lordships, the declaration of a witness that he was to be a witness in a cause or prosecution), which do not relate to his motive, or to the meaning of his expressions, I think the counsel is not entitled to re-examine to the conversation to the extent to which such conversation may relate to his being one of the witnesses, which is the point proposed in your lordships' question to the judges.

And I distinguish between a conversation which a witness may have had with a party to the suit, whether criminal or civil, and a conversation with a third person. The conversations of a party to the suit relative to the subject matter of the suit, are in themselves, evidence against him in the suit; and if a counsel chooses to ask a witness as to any thing that may have been said by an adverse party, the counsel for that party has a right to lay before the court the whole that was said by his client in the same conversation; not only so much as may explain or qualify the matter introduced by the previous examination, but even matter not properly connected with the part introduced upon the previous examination, provided only that it relate to the subject-matter of the suit; because it would not be just to take part of a conversation as evidence against a party, without giving to the party at the same time the benefit of the entire residue of what he said on the same occasion. But the conversation of a witness with a third person is not in itself evidence in the suit against any party to the suit; it becomes evidence only as it may affect the character and credit of the witness which may be affected by his antecedent declarations, and by the motive under which he made them; but when once all that had constituted the motive and inducement, and all that may shew the meaning of the words and declarations has been laid before the court, the court becomes possessed of all that can affect the character or credit of the witness, and all beyond this is, in my opinion, irrelevant and incompetent. On these grounds, I feel called upon to answer your lordships' question in the negative.

The counsel were called in, and were informed by the Lord-Chancellor, that the question, "Upon you saying you were a witness, did Marietti make any observation upon the subject of your being a witness," is a question that the house are of opinion cannot be put.

Then Giuseppe Sacchi was again called in, and further re-examined by the Attorney-general.

You have stated, that when you came to this country, you assumed the name of Milani; what was the reason why you assumed that name? I took this name on account of the tumult (tumulto) which had taken place, and of the danger I should have run if I had come under my name, knowing that I should have been known.

You have stated, that you have taken another name; when was it that you assumed the name by which you now go? It was immediately after the affair that happened at Dover.

You have stated that you took an oath to your deposition, when was that? I do not remember exactly the day, but it is about two months ago.

On what occasion were you sworn to that deposition? It was proposed to me by the advocate Powell.

For what purpose? He told me that he (Mr. Powell) had received a letter from Lord Liverpool, who had said that it was necessary I should take this oath.

Did he state any thing more of the purpose for which this deposition was to be used? He added nothing else.

EXAMINED BY THE LORDS.

You have described yourself as having been an officer in the army of Italy; do you receive any half-pay in consequence of having served in the army? I have no pay.

When you were discharged from acting in that army, did you offer your services as a soldier to any other government? After three years I asked to be taken into the service of Switzerland, who had agreed to furnish troops to the king of France.

What was the answer you received to that application? As I asked for the same rank of officer which I held in the army of Italy, it was answered to me, after a little time, that there was no vacancy.

Did they offer you any inferior situation? They offered me the rank of a serjeant.

Is it customary with persons in the situation you held under the princess to withdraw the curtains or other covering of the carriage without their permission, particularly persons in the high rank of the princess? As every morning I had a custom to go to the carriage of her royal highness, to see whether she had any orders to give me, so sometimes I found the carriage open, some times I found that the curtains were drawn, and having done so sometime, I was never reprimanded, or even admonished by her royal highness that I had done any thing which was wrong.

Do you know, whether Mr. Krouse was a friend of Mademoiselle Demont? I have never tried to search into other people's business.

Do you know, whether Mr. Krouse was a friend of Mademoiselle Demont or not? I do not know.

Are you yourself a friend of Mademoiselle Demont? Yes, I have known her in the house of her royal highness.

Do you know, whether she assumed the name of Countess Colombier in London? I know she had assumed the name of Colombier, but never the name of Countess Colombier.

Do you know, whether she assumed the name of Countess Colombier in Frith-street, and dropped it in Oxford-street? I have said, that I have never known that she had ever taken the name of Countess Colombier.

You have said, that you assumed different names at different times, that as to one name you wished no inquiry to be made, lest it should lead to difficulties or inconveniences; have you any objection to state to the house, the number of names you have assumed within the last ten years? I have never changed my name before I changed for these last two times.

You have stated in your cross-examination, that you were not offered any money to induce you to come here to give your evidence; have you been offered any money by any person, or has any body endeavoured to persuade you not to give your evidence here since you arrived in England? No one has ever made me a promise of money, and no one has ever endeavoured to dissuade me from coming, because I never have communicated this thing to any body.

How long have you been acquainted with Marietti? Since my arrival in London.

Is he a banker in Milan? I know at Milan the family of Marietti.

Are they bankers at Milan? It is said they are bankers, but I never had any business with them.

Who is the Marietti you are acquainted with in this country? I have known three brothers Marietti in London.

You have said, in the course of your examination, that one of the Marietti's knew of your being a witness in this cause, have you not? I have said, that Marietti knew, that I was a witness when I told him so.

Did any one of the Marietti's, whom you are acquainted with in London, make any proposition to you touching the evidence you were to give in this cause? Giuseppe Marietti came to my lodgings one day, and told me he wanted to speak to me; and he told me that he was directed by Mr. Brougham, the brother of the Attorney-general of the queen, who had called upon him in the morning, and inquired whether he knew me; he answered that he knew me; then the brother of Mr. Brougham asked him, whether he might be able to learn from me something relating to her Majesty; Mr. Marietti added, as Messrs. Broughams have done me some service, whilst I had some transactions with her royal highness, I should like to render them also some service; however, before I communicate to you what I have got to say, I beg to tell you that I come as a friend, and not to dissuade you from doing what you have resolved; having also represented to Mr. Brougham that I would not either commit myself, or I wished* that the parties should commit themselves; and he added, as ministers will not grant the list of witnesses, or the head of charges against her majesty, we should like to know something from you, if you know any of the witnesses, if you know their number, and if you can inform us about any thing concerning the depositions they have made; then I answered, that although I knew something, I would not tell it, for it would commit me; but I knew only one of the witnesses, and that I knew no deposition of any other witness, and I could give him no other account. Mr. Marietti added, that it was wished to know so much, that her majesty the queen might preface† her own defence. Afterwards he asked me, whether I might know something concerning the deposition, repeating again his assurances, that he did not wish to know this from me to commit myself, or to commit any of the parties; I remember no more.

Did Marietti at any time give you any advice as to the evidence you were to give in this cause? Never.

Did Marietti offer you any money in respect of the evidence you were to give? Never.

Had you ever gone by the name of Milani before you came to England? I took this name in Paris.

At what time, in what year, did you take that name at Paris? Four or five days before I set out for England.

When was that? In the month of July last year.

What was your motive for taking that name at that time at Paris? As I knew that I was known in London by my own name, I endeavoured to shelter myself against any inconvenience that might happen to me.

What tumult had happened at that time, that induced you to take that name? I was warned that the witnesses against the queen might run some risk if they were known.

Had you been informed that they had actually run any risk? They had not run any risk then.

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* Sic. in orig.—As we have it, or wish. † Prepare.

The following question and answer were read from the previous evidence of the witness on this day.

"You have stated, that when you came to this country, you assumed the name of Milani, what was the reason why you assumed that name? I took this name on account of the tumult which had taken place, and the danger I should have run if I had come under my name, knowing that I should have been known."

Having stated in a former answer that you changed your name to that of Milani, in consequence of a tumult that had happened, what did you mean by that statement? Whilst I was at Paris a gentleman came, accompanied by the courier Krouse, and the only time I saw him; and he told me that it would be necessary to change my name, because it would be dangerous to come to England under my own name, as I had told him I was known in England under my own name; and that already something had happened on this account; not on my account, but on account of other people.

Did he tell you that a tumult had taken place? He told me some tumult, some disorder.

On what occasion did he say that tumult had taken place? He told me nothing else.

You are understood to say, it was with respect to other persons; what did you mean by other persons? He meant to say, that some disorder had already happened, in regard to other persons, for similar causes.

What do you mean by similar causes? I have repeated what that gentleman told me.

Did you understand that it was with respect to witnesses who had come to give evidence in respect to the queen? I believed it was for this object.

Did you know, that any witnesses had at that time come over to give evidence in the cause of the queen? I did not know with certainty; but in the same way I was coming, I might imagine that some other people might have already come.

It was then in consequence of having been sent for that you came at that time to England? Precisely.

Where did you lodge when you first came to England? In Leicester-square, at the Sabloniere's Hotel.

How long did you continue there? About a fortnight.

Where did you go afterwards? To Arundel-street.

How long did you remain in the name of Milani? Until the affair of Dover happened.

It was then that you changed it, and not before? Not before.

What was the cause of your being discharged from the service of her royal highness? It was in consequence of a difference which I had with the confectioner.

Who was the person that discharged you? Count Scavini sent for me in the morning, and told me, that he had received orders from her royal highness to discharge me.

You have said, in a part of your deposition, that you lived with a Mr. Godfrey since you came to England; in what capacity did you live with Mr. Godfrey? As I was ill in London, I sought after a place in the country, where to go and establish my health; and it was proposed to me to go to Mr. Godfrey's.

You have spoken of some balls, which were given at the barona, were those balls given previously to her royal highness going to Turin? Some were given before going to Turin.

Do you recollect at Turin, the king and queen of Sardinia, or either of them, coming to the Hotel de l'Univers, to her royal highness? I do not remember.

Did you receive a certificate at the time you were discharged from the service of her royal highness? He did not give it me on the same moment, but he gave it to me on the following day.

What rank had you, when you first joined the army in Italy? A common soldier.

Were not you raised to the rank of lieutenant from your own good conduct and merit? Yes.

Were you acquainted with any officers in the army, in which you served at that time, who subsequently obtained commissions in the Swiss army, of which you have spoken? I do not remember.

You are understood to have stated, that the princess was present during the balls mentioned by you, as given by her royal highness at the Barona, how long was she usually present at those balls? As her royal highness had her own apartment contiguous to the ball-room where she had her own party, so she came from the room and came into the ball-room, where she staid three or four minutes, and returned into her own room.

You have stated that the women were taken out of the ball-room at the will and pleasure of the men; do you remember that on any one occasion any of the women were taken out of the ball-room in her royal highness's presence? I never made this observation.

Did you consider yourself as entitled to mix with the company at those balls? All had equal liberty.

You are to be understood that you did consider yourself as one of the company? Certainly.

Were you, or were any of the other servants, allowed to invite your friends to those balls? As far as I am concerned, no; in regard to others I do not believe they had such a power.

You are understood to say, that the princess herself, or another person directed by her, asked the company. Certainly.

At the time you left her royal highness's service, had you any recent quarrel with Pergami? I do not remember.

Do you speak and understand the French language? I do.

Was the speech which the princess made to you about the girls in the court, when she was with Pergami, in French or Italian? Her royal highness spoke to me always in French.

Can you state, in French, the terms she used? Her royal highness, in the court, said to me—" Je veux faire un cadeau a quelqu'unes de ces demoiselles qui viennent à la danse; comment peut on les habiler ces vierges, Mr. Sacchini; croyez vous qu'elles sont telles?"—" Moi j'ai repondû, quant à moi, je crois qu'elles sont des honnêtes filles, et jen' ai rien à dire a leur charge." Son altesse me dit, " Eh coquin, je sais que vous avez couché avec trois d'eux, et aussi combien de fois vous avez eu commerce avec eux."

Did the princess of Wales say nothing more? Not on that occasion.

Did you see those virgins at a ball and the Princess of Wales present, subsequent to that period? I do not know what verginelli she was speaking of; I thought she was speaking in a general way.

Were there any balls subsequent to that period? There were.

Were they attended by the same sort of company? Nearly by the same persons.

What sort of a carriage was it in which the Princess of Wales was

when you opened the curtains; was it a carriage in which persons must sit, or was it a carriage in which they might either lie or sit? As her royal highness had three or four carriages in her suite, sometimes she went in one, sometimes she went in another; but I do not know whether they might be either sitting or stretched—sitting most certainly, because I have seen them sitting.

Do you recollect in which carriage her royal highness was when you opened the curtain early in the morning? I do not remember.

Had she more carriages with curtains which you could open than one? I believe she had two.

In either of those carriages, was it not possible for a person to lie at full length? I believe that one might.

Do you recollect whether her royal highness and Pergami were sitting or lying at the time the scene took place, which you have described? To me they appeared to be sitting.

Have you said, that there was nobody else in the carriage that morning? I have said, that I do not remember this circumstance.

Can you say whether the Countess Oldi was there? I have said that I do not remember, that it is not present in my mind; I cannot say whether she was present or not.

If there was any body present, are you not certain that the princess and Pergami were sitting next one another? I saw them one next to the other.

At the time you withdrew the curtain did her royal highness sit on the right or left of Pergami? Her royal highness was sitting on the right hand of Pergami.

Was the opening of the small clothes on the right or the left of Pergami's person? On the right.

When you opened the curtains did you ask for orders? No, because they were asleep.

Did you wait? I did not.

Did you ask to see the princess after Scavini gave you your discharge? I asked to see the princess after I had received my certificate the evening before I went away.

Did you see the princess after you had received that certificate? I do not remember.

Did you see her royal highness after you understood you were to quit her service? I did.

What passed upon that occasion? Her royal highness told me, that she gave me my discharge, in order to give an example to other servants, to prevent quarrels taking place in the house.

Did her royal highness state what the cause of these quarrels was? She told me, that as I had this quarrel with the confectioner, that she did not like that such quarrels should happen in her house.

Did she state any other cause of dissatisfaction with you? She did not.

Did you make any reply to her royal highness? I replied to her royal highness, that I did not believe it to be a fault sufficiently great for me to be discharged.

Did she make any allusion to your former conduct, previous to these quarrels? Her royal highness always shewed her satisfaction towards my conduct.

Did she then make to you any promise of a certificate of good conduct? We did not talk about certificate.

The following questions were put by a lord, at the request of the Attorney-general:

Do you know this paper *(a paper being shewn to the witness)* to be the hand-writing of Scavini? As far as I know it is the hand-writing of Scavini.

Have you seen him write? Several times.

Do you believe that to be his hand-writing? I think I am sure of it.

The following question was put at the request of the Attorney-general of the queen.

Did you not say just now, "Son altesse royale aura parlé mieux que moi (mais c'etoit a tel effet)?" No.

Do you mean to say that you used the first part of the words, but not the last part; that you did not say, "mais c'etoit a tel effet?" No, I said, "mais ça est le fait."

The witness was directed to withdraw.

The Lord-Chancellor acquainted the counsel on both sides, that a witness, Lord Montague, whose attendance was required on the part of the queen, was abroad and indisposed; and suggested, for the consideration of the counsel, whether they would consent that the witness should be examined by commission.

Then *Robert Hare* was sworn, and examined by the Solicitor-general.

Are you cashier in the banking-house of Messrs. Coutts and Company? I am.

How long have you held that situation? About thirteen years.

Does her majesty the queen keep any cash at the house of Coutts and Company? She does.

How long has she done so? I do not recollect the exact time, but previously to her going abroad.

Have you, as cashier, from time to time paid her drafts? I have.

State whether you believe that signature to be the hand-writing of the queen *(a paper being shewn to the witness.)*? I think it is the hand-writing of the queen when Princess of Wales.

CROSS-EXAMINED BY MR. BROUGHAM.

Do you know the hand-writing of his majesty the king? I have seen it.

Do you know his hand-writing when you see it? I think I should know it.

Mr. Solicitor-general.—Have you ever seen the king write? Never.

How do you know the hand-writing of the king? I have only seen it in a commission.

What commission? I do not exactly recollect what; but the king's signature has been shewn to me in a commission.

Have you any other knowledge of the hand-writing of the king, except that a paper, purporting to be a commission, was shewn to you, and you were told that was the hand-writing of the king? Not any knowledge.

Mr. Brougham.—Did his majesty, when Prince of Wales, keep money at your house? He did.

Were you cashier at that time? I was.

Did you pay his drafts? He did not draw himself.

The witness was directed to withdraw.

The paper spoken to by the witness was read in the original Italian, the following is a translation :—

" Pesaro, 5th November 1817.

"Her royal highness the Princess of Wales certifies to whomsoever, that Mr. Joseph Sacchi, native of Como, and during a year in the service of her royal highness, at first as courier and afterwards as equerry, is endowed of the best behaviour, and has served her with all assiduity, zeal, and fidelity: It is also certified, that the above-mentioned Mr. Sacchi has been dismissed merely for motives of economy, and for the preference alone which older servants in her service ought to have.

" CAROLINE,

" Princess of Wales."

The Attorney-general proposed to give in evidence the certificate produced by Majocchi; and it appearing on the further evidence that Scavini (in whose hand-writing it was proved to be) was marshal of the palace, and that he had in several instances given certificates to the servants, the Attorney-general of the queen objected to the same being given in evidence. The Attorney-general was heard in reply, and the counsel were informed, that in the opinion of the house this certificate could not be received in evidence.

Then the Attorney-general stated to the house, that certain persons resident at Lugano, intended to be produced as witnesses, had set out on their way to England; that they had advanced as far as Beauvais, when rumours reached them that persons who had come here to give evidence, had been ill treated at Dover; that they became alarmed, and went before the magistrates at Beauvais on the 27th of July, and made a deposition to that effect, and had returned to Lugano; that this deposition being received in this country, persons were despatched, in the hope of overtaking them, but that they had reached their home before they could be overtaken; that letters had been received from Lucerne, in which it was stated that those witnesses had altered their determination, and were about to set out for England; that, as their arrival might be expected in a very few days, he begged to ask of their lordships an adjournment, to permit that evidence, which he conceived to be important, to be laid before the house.

Mr. Brougham, in resisting the application, said, that the only analogy to guide the house was to be found in the proceedings of the courts below: there, such a motion as that the remainder of a trial should be postponed when it had been half gone through, because a material witness was absent, had never yet been heard of.

Mr. Denman followed on the same side.

The Attorney-general replied.

The counsel were directed to withdraw, and when they were again called in, the Attorney-general was asked, whether he was able to enter into any proof of the circumstances on which he founded his application.

The Attorney-general stated, that he was prepared to lay before the house the proces-verbal taken at Beauvais, that he should be able to shew that the evidence of those witnesses was material, and to prove by persons who had received the letters to which he had referred, that they believed the contents of those letters were true, and that they expected the arrival of the witnesses; that having presented these circumstances, he begged to leave the matter entirely with the house.

The Solicitor-general was heard on the same side.

The counsel for her majesty were desired to state, whether, if they consider the case in support of the bill to be closed, they were prepared now to proceed with the cross-examinations which had been reserved to them, or to state that they had no further questions to put on cross-examination, or whether they wished that a further time should be allowed to them.

The Attorney-general of the queen stated, that if he was to consider the case in support of the bill as being now closed, he should propose only to request of their lordships to call back one of the witnesses, to put three or four questions to him; that if, however, the Attorney-general was to be at liberty to call further witnesses, of course he was not to be considered as bound by the answer he had given, as he must judge what would be most for the interest of her majesty when he should have heard the whole of the case in support of the bill.

The counsel were directed to withdraw, and the house adjourned.

NINETEENTH DAY, THURSDAY, SEPT. 7.

Their lordships met at the usual hour, and with the accustomed formalities. Counsel being called to the bar,

The Attorney-general stated, that it was proper for him to inform their lordships, that within the last half-hour he had received letters from Milan, by which it appeared, that a longer delay must take place than he had anticipated before the witnesses he yesterday stated he expected could arrive. He felt, therefore, that under these circumstances he could

not ask for a postponement of the proceedings, and now begged leave to withdraw the application he had made.

The Lord-Chancellor before putting the question, that this application be withdrawn, thought it necessary to observe, that the learned gentleman would not have done his duty, had he not submitted to their lordships' consideration the application for delay which he had made, though other circumstances might now render it proper to withdraw that application.

The application was then withdrawn.

The Attorney-general of her majesty stated, that, considering the case in support of the bill as closed, he begged permission now to put one or two questions to Theodore Majocchi, and that he should then give their lordships no further trouble in cross-examination.

Then *Theodore Majocchi* was further cross-examined by the Attorney-general of the queen.

Do you know one Julius Cæsar Gavazzi? I never heard this name of Julius Cæsar Gavazzi; I do not know the name.

Do you know the name of Gavazzi? In Italy I have heard this name of Gavazzi, and one is a jeweller in the Coperto dei Fugini at Milan; I have seen him, and he is a fat man; he lived there, but I never was in his shop.

The question refers to a Gavazzi who lives in Greville-street, Hatton-garden, or who did live there last February? I remember that this Gavazzi told me that he was a relation of this Gavazzi of Milan, for when I came here to London I met with this young man, and he told me he was a relation to that of Milan.

The question refers to this Gavazzi, and not to the other, who, you have stated, was the only one you knew? But I have known this young man Gavazzi only during the few days I have been in London.

Did not this London Gavazzi and you dine together last winter for eight or ten days together? Not for eight or ten days, I was not here ten days.

Did you not dine with him once or twice in the same place? Yes, I remember I did; I dined with him twice, and we ate some rice.

Now that you recollect it all so accurately, even to the dinner, was not this a short time before the death of his late majesty? The king was already dead.

Was not it about the time, near the time, of his majesty's death? After the death of the king.

Do you mean that it was immediately after the death of the king? I think, as far as I can remember, that I arrived here on the day when they were telling me that the king was already buried.

Did not you shew Gavazzi a letter, which you said you had received from some person? What I had received was a letter that came from Milan from my wife.

The question does not refer to that letter at all, but did you not shew him another letter, which you told Gavazzi at that time you had received from some persons here to carry abroad? What I remember is to have shewn him the despatch which I had received to carry abroad, and I shewed only the address, the outside.

Was not that a despatch which you were to carry to Lord Stewart? It was.

Did you not also shew a number of Napoleons, which you had received at the same time that you got the letter? Yes, for my journey; I counted them there.

How many Napoleons did you so count? I believe there were eighty

Will you swear there were not an hundred and fifty? I cannot swear, but what I remember is, that there were eighty, and I can swear that there were eighty Napoleons in gold.

Did you not tell Gavazzi at the time, that whoever gave you this had given you more than you asked to pay your expenses? He cannot say so, because I have asked only the money to make my journey.

Will you swear you did not tell Gavazzi that they gave you more than you had asked to pay your journey? I cannot swear any such thing, because I have asked for nothing else than the expenses of my journey, and Gavazzi cannot say to the contrary.

Will you swear that you did not tell Gavazzi, that whatever you asked, they gave you more than that? But I cannot swear to have asked for more, nor can he say that I asked for more, and as I have once sworn to this, I cannot swear to this a hundred times.

Will you swear that you did not say to Gavazzi, that you had got more than you asked? I never said so; no.

Do you know one Joseph Visetté? I do not know the name of Giuseppe Visetté.

The question refers to a person who lives near Liquorpond-street? You may say Liquorpond-street, for I cannot remember that; I came here in a sack, and I went away in a trunk [*laughter*], and I do not know the English language, and I cannot remember.

Though you knew nothing about Gavazzi, you recollected him perfectly well the moment you were told something about Hatton-garden? I recollected it because I knew the name of Gavazzi, not because I knew the garden; for I did not go reading what is put at the top of the streets; I do not know the English.

Do you remember an Italian that dined frequently at the same place where you and Gavazzi dined? There were many Italians who came there, sat down, and ate the rice which was prepared.

Did you not know an Italian whom you met there, who accompanied you frequently up and down London, to shew you the way, and to explain things to you? That is true; because he served me as a lacquais de place.

What was his name? I never asked him the name by which he went.

Do you not know that he was a cabinet-maker? It was said that he was a carpenter or joiner.

Do you remember going with him, either on the day or the day after the late king's funeral, to the west end of the town? Where did I go?

To the west end of the town? He carried me about, and brought me here and there, and told me this place is this, and that place is that; and I did not know, whether that was this or was that, and how can I remember.

Did you not go with him, in the way you describe, somewhere or other on the day of the king's funeral, or the day after it? To look at the funeral do you mean?

No, not to look at the funeral? I have been with him in several places; he was telling me that on the day they went to see the king, but I never went.

Did he not tell you that on that day the people were going to see the king's funeral?—

A peer here interfered, and observed that the witness had not used the word "funeral."

Mr. Brougham complained of this interference. He was not to be interrupted in this way. Their lordships must be aware that he was obliged to pay the greatest attention to the course of the cross-examination, and yet a noble lord thought fit to object to a term he had used, and thus prevent him from proceeding. He desired to know whether their lordships allowed him to put the question.

Lord Exmouth moved that the counsel do withdraw; which being ordered, his lordship said he was not the noble peer who had stood up, and said, that the witness had not used the word "funeral," though the learned counsel had directed his looks to him. He would maintain, however, that he or any other peer had a right to interpose to correct a question which might appear improper, without any counsel checking them or staring them in the face. He came there to sit as judge, and to vote on his honour and his oath, and was not to be lectured by any counsel whatever. As he had already said, he was not the peer who had interrupted the question.

The Marquis of Lansdown thought, that the proper course of proceeding, when any noble peer wished to interpose, was first to move that the counsel withdraw. This, he thought, should have been done, if it was wished to ascertain whether the witness meant that people were going to see the king, or the king's funeral.

Lord Redesdale observed, that in his opinion noble peers had been several times insulted by the remarks of counsel in the course of the present proceedings.

Counsel were then called in; Mr. Gurney read the question, and the examination proceeded.

Do you mean to say, that it was on that day that the young man told you people were going to see the king's funeral? He told me that the people all went twenty or twenty-one miles to see the funeral of the king; but whether it was true or not true, I do not know.

Did you go with that young man to any particular house to call there? I remember to have called in some street upon some gentleman whom I do not know; I carried a letter, and a servant told me that he was not at home; because he had gone out to see the ceremony of the funeral of the king.

Was that a large house? I do not know whether it was large or small; I was not there to look at it; I went to the door, I was answered that he was not at home, when I went away.

Did you go that day with the young man, the lacquais de place, to any other house? Yes, because I had another letter, and even there I did not find the account; and that day we could not find the house, for we went here, and we went there, and could not find the address.

Do you mean to say, you called at a house with a letter to carry to some body, and could not find that person at home? Not on that day, but on another day; for on that day we went here and there, and could not find the account.

On that day, or on the other day, did you go to find any person in a very large house? But how am I to know whether it was large or small, I do not make observations of these things; I went to the door, and I did not make observation whether the house was large or small.

Did you, on either of those occasions, go into a house where there was a sentinel standing at the gate? Was that on the same day when I went with that letter; for you must give me a more clear explanation, for I went into three or four houses.

Did you on any of those occasions, when you were accompanied by the lacquais de place, go into any large house where there was a soldier standing sentinel at the door? That was on the first day of my arrival in England, when I was told that that was the house where was the court of the king, for I had three or four letters.

Did you ever go to that house again? Yes, I went to and from this house.

Do you mean that you went several times to and from this house? I do.

Upon those occasions did you go into the house, and leave your lacquais de place at the gate? The first time I left him out at the door.

Did you not leave him at the door also the other times when he accompanied you to the house? What I remember is, at the house where there are the soldiers, to have left my lacquais de place out at the door.

Do you mean to say, that the other times you were there your lacquais de place went into the house with you? Whether he came in or not I cannot tell, I left him there, and I told him to stop; whether he afterwards came in I cannot tell.

Did you find him there waiting for you, when you came out of the house, upon those occasions? I have not measured the place; what I remember is, that I found him there waiting for me when I went out.

Upon one of those occasions did you come out with a gentleman, whom you found in the great house? Yes, I did.

Who was this gentleman that you came out with? What I remember is, that it was Mr. Powell.

Will you swear, that you did not go with your lacquais de place and Mr. Powell immediately from what you call the *corté* to Mr. Powell's chambers in Lincoln's inn? With Mr. Powell I did not go.

Did you not at that time make an appointment to go the same evening at six o'clock to Mr. Powell's chambers? I did.

Did you not go that evening, according to the appointment? I did.

You are understood to say, that you went several times backwards and forwards to that house with your lacquais de place? Yes.

Did you not upon one of these occasions go from Mr. Powell's with a note to that same great house? I did.

Did you go in upon that occasion too, and leave your lacquais de place outside the gate? I believe to have left him outside the door, but I cannot say for a certainty.

Was not this great house Carlton-house? The name of the house I never heard, it was said it was the house of the king.

Were there pillars before the door? I know that the people entered by a small door, and as soon as they got in there was a porter.

Did you see no pillars upon the house? I saw some ancient Grecian columns, but I paid no attention to them; I saw the columns.

After you entered the outer gate was there a court in the inside between the house and the street? There was a court between the house and the columns.

Had you any conversation with Mr. Powell about your expenses in the presence of your lacquais de place? *Questo non mi ricordo:* that I do not remember.

Did Mr. Powell say to you, in the presence of the lacquais de place, that money was no object, and that you might have more if you wanted it? No.

Will you swear that? I swear that Mr. Powell never said that.

Will you swear that he never, in the presence of that lacquais de place, said any thing to that purport? Mr. Powell never held this sort of discourse.

Perhaps Mr. Powell never spoke to you at all about this business of the queen?

The Attorney-general objected to evidence of the declarations of Mr. Powell.

Mr. Brougham appealed to their lordships.—Was it meant to be said that he could not, upon cross-examination, ask the question? Was it meant to be contended that it was an irregular question? *Non constat* that Mr. Powell had said this or any thing else. Her majesty's counsel knew not Mr. Powell; they had not upon the record any description of Mr. Powell; but any thing he might have said was as much and as fair matter of evidence in this case as any thing else.

The Lord-Chancellor thought that the counsel for the crown had better allow the question; and if, in answer, any thing was stated which they thought erroneous, they might afterwards call up Mr. Powell in order to contradict it.

Mr. Brougham resumed.—Do you mean to represent that you never had any conversation with Mr. Powell upon the subject of the Queen? How, what do you mean? I don't understand what you say.

The Interpreter.—My lords, if I am to use the word "conversation," I shall never make myself understood.

Mr. Brougham.—Then pray use another word, sir; "discourse," if you please. Put the question again in this way:—Do you mean to say that Mr. Powell has never spoken to you on the subject of the queen? Mr. Powell spoke to me upon this business at Milan, when I made my deposition; but after that, we have never spoken together any more upon the subject.

Did you ever see this letter before *(a letter being shewn to the witness)*? I never saw it; I do not know how to read.

Do you know a Mr. Long; a person of the name of Long? I am not acquainted with such a name as Long.

Were you ever at the Globe tavern, the place where you used to meet Gavazzi and the others at dinner? Yes, I met them, but I do not know the name of the tavern, for I did not look; and I do not know how to read and write.

Do you know the master of that tavern? If I were to see him, I should know him.

After your first examination in this place, have you ever seen either Mr. Powell or his clerk? Yes, I have.

Have you seen them, or one of them, frequently? Yes, I have seen

him sometimes, for he comes into the place where we are, and I have seen him sometimes, but I cannot recollect precisely the number of times.

How long were you ever with him or them at any one of those times? I have seen him coming to others, and I merely paid him my respects; and I saw him the other day when he came to ask for my certificate.

Turn and look at this person; is that the master of the house? Yes, I know him.

Did you employ that person, not being able to write yourself, to write a letter for you to a Mrs. Blackwell? He has written twice for me, once to Mr. Hyatt, and the second time to Mrs. Blackwell.

Should you know either of those letters again if it were to be shewn to you? I have not seen the letters, because I told him, "Do me the favour to write for me," and he wrote those letters, and then he told me, "Here are the letters which I have written," but I never took them, and I cannot recognise them.

Did you not request Mr. Long to write a letter to Mrs. Blackwell? Yes, I have begged him to write a letter in my name.

Did you tell him to write it in this manner: "I have safely delivered the letter to your brother, and he was quite well, and desires to be remembered to you kindly?" I told him to write to the following effect: "I have not found your brother at home, but I have left the letter in the hands of his wife; that they are well, and I beg to make my compliments to the family," because I was going away.

Did you not add in your instructions to Mr. Long, "I have got a situation, and am going off this evening to Vienna?" Yes, that I had got a place, and was setting out for Vienna.

Did you not desire in that letter to give your kind regards to Mrs. Hughes's brother, Madame Cangiatelli, Monsieur Bodeno, and Mr. Daniel? Whose brother?

Meaning Mrs. Hughes's son, whom you were accustomed to call brother? As an act of friendship.

Do you mean that you used to call Mr. Hughes, brother, as an act of kindness and friendship? Yes.

Did you desire Mr. Long also to write: "After I left you all, I could not eat, nor drink, nor sleep; so God bless you all?" As when we were together we played and joked among ourselves, so when I was writing to them, I said to Long to write, as a matter of compliment, "I cannot eat, or drink, or sleep; so God bless you."

Did you ever propose to marry Mrs. Blackwell? Yes; I wanted to marry Mrs. Blackwell, Mrs. Hughes, and every body in the house that would marry me.

Were you ever in Paris in the year 1818 or 1819? I was not.

Were you ever there in 1819? I never have been in Paris.

RE-EXAMINED BY THE ATTORNEY-GENERAL.

You have been asked respecting some Napoleons which you received before you went to Vienna; in what capacity was it that you went to Vienna? I went to Vienna as a courier.

Did you receive any directions to travel to Vienna with all expedition? Yes, I was ordered to go as quick as possible.

For what purpose were those Napoleons given you before you went to Vienna? To pay the expenses of the journey.

Were you to account for those Napoleons? I was.

Did you account for those Napoleons? Yes, I gave an account of my expenses at Vienna.

You have been asked, whether you took a note from Mr. Powell to

the great house of which you have been speaking; for what purpose was it you took that note? As far as I can recollect to obtain a passport.

Upon that occasion, into what part of the house did you go if you went into the house at all? I went to the outer gate, and then I went through the court; I turned to the left hand, mounted a few steps, and went to the door and rung the bell; a servant came and I gave him the note.

How long did you stay upon that occasion? About half an hour, not longer.

Were you directed to go any where else for your passport, and did you go elsewhere? I did.

Where? The Austrian ambassador's.

Did you, upon that occasion, get your passport? When I shewed the note, they gave me the passport.

Do you recollect whom you saw at the great house upon that occasion? I saw a footman, and I saw a German, who talked to me in German.

You say you were there at other times; at any other times whom did you see at that great house? A big man, rather a handsome man, who did not talk either French or Italian, and spoke to me by signs.

For what purpose did you go to that house? The first time I went to carry a packet, and then I said that I must have a receipt for that packet, for I cannot give it without a receipt; and this was the object of my first going, because I was obliged to deliver it in person.

Did you bring that packet over with you, when you came over with Mr. Hyatt? I had it in my pocket.

How many times altogether did you call at that house, according to the best of your recollection? What I remember is, that I have been there three times.

You have stated what you went there the first time for; do you recollect for what you went there the other two times? The second time I went to see whether there was any answer to the packet for which I had had a receipt; the third time, because they had told me to call again; I had got no answer.

Was it the third time, or another time, that you went there upon the subject of your passport? Then I went another time for the passport.

EXAMINED BY THE LORDS.

Did you go alone to Vienna, or in company with any other person? Alone, alone, alone. *Solo, solo, solo.*

Who then kept the account of the expenditure of the money? I was alone, and I was obliged to keep it myself.

How could you keep that account, when as you have stated you can neither read nor write? The book of the post teaches all, shews all expense.

You are understood to state, that you can neither read nor write? I know only to write my name very ill, and hardly that.

That is all you know? I am not fit either to write letters, or to keep accounts.

The following extract was read from the printed minutes.

"How long were you in England at that period, when you lived with Mr. Hyatt at Gloucester? This I cannot remember, because I have not the book in which I have marked the time.

"About how long were you in Mr. Hyatt's service? This is the same answer, because I have not the book in which I put down how long I was there."

How do you explain that? *Non in cui ho marcato,* but *di marcare*

Earl Grey then desired the witness to be asked if he adhered to these answers.

The Interpreter appeared here to have considerable difficulty in making the witness comprehend the answers he had previously given. The interpreter at length said, that what he could collect from the witness was, that in his former answers he meant to have said, " Not to put down, or put it down at all." He begged, however, their lordships' permission to impress more strongly on the witness's mind the purport of his previous answers, and afterwards to ask him more fully to explain what he meant. The interpreter then proceeded with the task of trying to make the witness comprehend his object, and then said to their lordships :—" It seems to me, and also to her majesty's interpreter, that he means to say he had not a book to mark upon, or, not a book to write upon some marks of his own. He last says, ' not a book in which I made my marks.' "

Earl Grey.—Does he mean to say that he has not the book in which he put those marks, or made such an entry?

The interpreter again undertook the harassing duty of trying to make the witness understand so simple a question as that put by the noble earl; and, after some explanation with him, announced—" Oh, he means, my lords, he had no book of any sort whatever."

The Earl of Caernarvon also suggested, that the witness should be called upon to explain his meaning of the words " *Non mi ricordo,*" which so repeatedly occurred in his former examination.

The interpreter was here proceeding to observe, that the Italian words " *non mi ricordo*" had several meanings; amongst them were—

Here he was called to order by their lordships.

The Earl of Caernarvon said, that the words often meant " as far as I can recollect." They did not convey a positive, but rather an uncertain, meaning, which admitted explanation.

The interpreter was asked, what he conceived to be the literal meaning of the words " *quanto mi ricordo,*" which had been frequently used, to which he answered, " according to the best of my recollection."

The interpreter was asked, whether " I came in a sack, and went away in a trunk" was not an Italian proverb, to which he answered that it was.

The Attorney-general of the queen stated that he did not intend further to cross-examine any of the witnesses who had been called in support of the bill.

T. Wright Sculp.

SIR I. S. COPLEY,

His Majesty's Solicitor General.

Sketched by A. Wivell, *in the* House of Lords.

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SUMMING UP IN SUPPORT OF THE BILL.

The SOLICITOR-GENERAL commenced by stating, that "as the whole of the evidence in support of the bill was now before their lordships, the duty devolved upon him of summing up to their lordships the leading points of that evidence, in support of the allegations contained in the preamble of the bill of pains and penalties against her majesty the queen. The difficulty which he had to encounter, in performing this duty, was, as their lordships must be aware, greatly augmented by the circumstance, that, as the learned counsel for the queen had yet to make their answer to the case, he was left without any knowledge of any of the arguments with which they meant to combat the provisions of the bill, or of any of the facts upon which the defence of her majesty the queen mainly rested. All that he could, therefore, do, in the performance of his present duty, was to enforce upon their lordships' attention the manner in which the case at present stood, and how the evidence adduced made out and supported the allegations in the preamble of the bill. He trusted that, upon reference to that evidence, which he would not now give their lordships the trouble of reading, they would find the preamble mainly sustained. His duty was not to impose or to influence by any distorted statement; all that was required of him was, that he should sum up the evidence with truth and accuracy, and then point out how it applied to the charges upon which the bill was founded.

"The queen was here on trial before their lordships: one side—and the case against her—had only been heard. He, therefore, was bound in strict law, and so were their lordships, to consider her majesty innocent of those foul charges ascribed to her, until they heard her defence. None could pronounce her guilty until their lordships' verdict decided and justified that imputation. He and his learned friends had been charged with scattering calumnies abroad, and throwing dirt against the character of the queen. But, though this charge had been insidiously disseminated, he, and those with him, felt guiltless of the imputation. They had, throughout, stated nothing which they had reason to believe would not be satisfactorily proved. If calumnies had been uttered, they belonged to another quarter: that quarter alone ought to be called upon to account for them. Before he went further, he would beg leave to call their lordships' attention to the nature

of the charge set forth in the preamble of the bill of pains and penalties against her majesty the queen. That preamble began by stating, that her majesty, in the year 1814, had, in Milan, engaged, in the capacity of a menial servant, a man named Bartolomeo Pergami; that she had, immediately after that time, committed disgraceful and unbecoming familiarities with that person; that she had raised him in her household, and loaded him with honours; that she had placed several members of his family in various situations of honour and rank about her person; and that she had afterwards carried on, for a considerable period, an adulterous intercourse with him. That was the head of the charges against the queen, as contained in the preamble of the bill; and it was his duty to ask their lordships, if that charge had not been substantially made out in evidence.

"He must now beg leave to carry back their lordships' attention in point of time to what was done by her majesty when she first set out from Milan to Naples. He thought it right, for the sake of perspicuity, to take up the subject at the time he had just mentioned, and then pursue it from that period up to the latest time that the queen's conduct had been mentioned in evidence. It appeared, from the evidence before their lordships, that her majesty took Pergami into her service as a courier, at Milan, in the year 1814; he had previously lived in a menial situation with General Pino, his wages then being three livres a day. It was also stated by the witness, that, for the first fortnight after the queen took Pergami into her service, he waited behind her majesty's chair at table. At that time a youth, of whom their lordships had heard, named William Austin, was in the constant habit of sleeping in her majesty's apartment, but the queen gave directions, when she set out from Milan, that another bed-room should in future be provided for him, as he was advancing to a period in life when it would be unfit for him to sleep any longer in the chamber she occupied. A separate apartment was accordingly provided for Austin on the arrival of the queen at Naples. When her majesty arrived there, she slept at a country-house. On the night after her arrival at Naples, the queen went to the opera. It was here most material for their lordships to attend throughout to all the relative situations of the queen's bed-room and Pergami's, who was then her courier. At Naples, the communication between them was of this kind:—There was a private passage, which terminated at one side in a cabinet, that led to Pergami's sleeping-room, while on the other side of the same passage was the bed-room of the queen; so that the occupant of either one or the other

room could traverse this passage without interruption, for the passage had no communication with any other apartments than the two he had mentioned. The witness, their lordships would recollect, had stated, that on the evening upon which her majesty went to the opera at Naples, she returned home at a very early hour, and went from her apartment into the cabinet contiguous to Pergami's. That she soon returned to her own room, where her female attendant was in waiting, and gave strict orders that young Austin should not be admitted into her room that night. The manner and conduct of the queen upon that occasion attracted the notice of the servant, who, excited by what she had noticed on the preceding night, examined the state of the beds on the following morning. And what was the result of that examination? She had stated that the small travelling-bed had not been slept upon at all on that night, but that the larger bed had the impression of being slept in by two persons; and she further said, in answer to a question from one of their lordships, which could not be evaded, that she had also observed in the bed two marks of a description which but too clearly indicated what had passed there in the course of the night.

"He had indeed heard that none of the witnesses had deposed before their lordships to the actual fact of adultery: but to such an assertion he would reply, that, if those facts were true, no person of rational mind could doubt that on that night the adulterous intercourse was commenced which formed the subject of the present unhappy investigation. Upon the sort of proof required in cases of adultery he should merely observe, that he did not recollect a single instance, in cases of adultery, where the actual fact was fully proved in evidence. The crime was always to be inferred from accompanying circumstances, which left no doubt of the fact upon the mind of a rational and intelligent man. On this point of proof he would beg leave to quote the opinion of one of the most enlightened judges that ever sat in this country. He had received this opinion from one of his learned friends who had taken notes of it at the time it was pronounced by the learned judge. It was in the case of Loveden *v.* Loveden, before Sir William Scott, in the Consistory Court, in the year 1809. The learned judge then stated, that there was no necessity in a case of that nature to prove the actual fact of the adultery, for that could not be proved in ninety-nine cases out of a hundred, where there was still no doubt of its having taken place. The uniform rule was, that where facts were proved which directly led to the conclusion that the act of adultery had been committed, such proof must be taken as

sufficient. Now let the house for a moment look at the case in this light:—Suppose an adulterous intercourse really to have existed, how would that intercouse have manifested itself? How, but from the habitual conduct of the parties? To screen such an intimacy from the eyes of attendants was impossible; and let their lordships direct their attention to the scenes which had been constantly occurring, to the scenes which, in continued detail, had been described by the witnesses.

"Their lordships would remember the ball which took place at the house upon the sea-shore while the princess was at Naples. To that ball her royal highness went, accompanied only (for the purpose of dressing and preparation) by the waiting-maid De Mont, and by Pergami; two apartments, a dressing-room, and an ante-room, being allotted for her use. For her first character, that of a Neapolitan peasant, the princess was dressed by the waiting-maid; she went into the ball-room, stayed a short time, returned for the purpose of changing her dress, and did change it entirely; the chamber-maid all the while being left in the ante-room, and the courier being in her dressing-room during the operation. Now the house could not but have noticed the style of Mr. Williams's cross-examination as to that transaction. The witness had merely been asked whether there were not persons of rank and consideration in the ball-room below. But it had been said that, even admitting all these facts, they did not amount to evidence of adultery. Could any man look at a princess, locked up in her bed-room for nearly an hour, and changing her dress with the assistance of her courier, and entertain any doubt upon the subject? The thing did not stop there; there was another change of dress; her royal highness assumed the character of a Turkish lady; and in that character, for the second time, went down stairs arm-in-arm with this courier, this common footman, this man accustomed to wait behind her chair: and what happened then? Why, almost instantly, the courier returned. (The Solicitor-general then repeated the other heads of Majocchi's testimony.) All this, however, rested upon the testimony of Majocchi, who was, of course, a witness unworthy of belief. That witness had been cross-examined once, twice, and because Carlton-house had somehow been introduced, he had just now been cross-examined for the third time; he (the Solicitor-general) had attended most diligently to the first cross-examination; he had since read the evidence as it appeared upon the minutes, and he did declare that, as it appeared to him, during a cross-examination of seven hours, extending over a period of three years, and going

through a variety of complicated facts, in no one instance had that witness been betrayed into inconsistency. Certainly the witness had repeatedly used the phrase (perhaps of equivocal import) 'I do not remember;' and the changes which had been rung upon that circumstance might produce an impression upon low minds, although it could produce none upon the minds of their lordships. But it was impossible not to perceive the artifice—the 'let us have a few more *non mi ricordos*;' and it was equally impossible not to perceive that to the questions proposed the witness could return no other answer.

"The next witness called had been Gaetano Patruzzo, whose evidence had been calculated to produce a deep and lasting impression upon the house; that impression had instantly been felt by the learned counsel on the other side; it became necessary to remove it; and, by a proceeding, to the propriety of which he (the Solicitor-general) never could assent, Majocchi (after the examination of Petruzzo) had been again placed at the bar. With what view, and for what purpose, had he been interrogated? First, he had been questioned as to certain statements which he was said to have made, in order that, if he denied them, witnesses might, at a future time be called to contradict him. What was the hurry? What was the necessity for calling back the witness at that particular time? The necessity was clear; all that was wanted was a few more *non mi ricordos*. It had next been made matter of accusation against the witness, that he had not, on his former examination, stated that he had before been in England; the fact being that he had come to England as courier to a Mr. Hyatt, remained a few weeks in Gloucester, and afterwards again left the country with despatches. The facts to which Majocchi had sworn were not directly confirmed by the witness De Mont: but that witness had spoken to facts of similar description, and occurring at the same period. Not to dwell upon the constant familiarity between the princess and this courier, upon their being constantly seen walking arm-in-arm, although these were facts from which a reasonable man could draw but one conclusion, he would beg to remind the house (before he quitted Naples) of the proceedings which had taken place at the theatre of St. Carlos. What were briefly the circumstances? The princess was desirous of going in private to the theatre of St. Carlos. She made her arrangements accordingly. The wife of the heir-apparent of the throne of Great Britain, at that time holding the supreme government of the country, having about her a suite of ladies and gentlemen, was desirous of going in private. Surely she

might have selected some respectable person of her suite, some respectable inhabitant of Naples, some proper and decent companion, without materially infringing upon the privacy of the transaction: but she chose her chambermaid and her courier. It was a rainy night; dark, gloomy, and tempestuous; a hired carriage was drawn up at a private door at the bottom of the garden; they traversed the terrace, the garden; got into the hired carriage at the private door, proceeded to the theatre, and there met with such a reception as obliged them to retreat and return home. Now great part of the evidence had been called, by the other side, invention; could this be invention? And, if it were not invention, to what conclusion did it lead the mind of every man acquainted with transactions of such a description? He would next (the learned gentleman continued) advert to the conduct of her royal highness at Genoa, where the whole of her English suite, except her medical attendant, Dr. Holland, quitted her. The arrangement of the apartments at Genoa was material. The bedroom of the princess there was separated from that of Pergami by an interior chamber which was not occupied by any one, and there were doors communicating from the one to the other. On the opposite side of Pergami's bed-room there was a door communicating with the chamber of the witness De Mont; and that witness had told their lordships, that regularly every night, after being dismissed by the princess, she went to her chamber, the key of that door was turned, leaving her locked out of Pergami's apartment. The witness had farther said, that, after such locking out, she generally heard some door on the opposite side open; but, whether that was the door leading from the apartment of the princess to the dressing-room (the intermediate room), or from that intermediate room to Pergami's apartment, she could not state. On the following mornings, however, she said her duty being to make the bed of the princess, she used to find that bed deranged and tumbled, but not as if it had been slept in; and, in consequence, used seldom actually to make it, merely smoothing the sheets and arranging the cushions. Surely such evidence alone must satisfy any reasonable man that, during the whole time that her royal highness resided at Genoa, the adulterous intercourse charged against her was taking place. It had farther been stated to the house, that there was in the residence of the princess a small cabinet adjoining the saloon, in which cabinet her royal highness and the courier were in the habit of breakfasting. At present that stood upon the evidence of Majocchi and of De Mont; but it involved a circumstance of considerable importance to the credit of those witnesses.

How had they laid the scene? Had they laid it where contradiction was impossible, or had they freely exposed themselves to contradiction if their statement was untrue? Let the house decide who were the persons in waiting at these breakfasts. Majocchi, the witness, was one: and who was the other? The other was Louis Pergami, the brother of the courier. This statement of the witnesses challenged inquiry: their lordships had been told that their evidence was false. Let Louis Pergami now come forward and oppose that evidence. The learned Solicitor-general challenged the counsel on the other side: Louis Pergami might be called:—let him be called. But there were circumstances which might, even more strongly than additional evidence, confirm the testimony of witnesses, and such circumstances he found on every side. Let the house observe how carefully Pergami surrounded the princess with his relations and friends, thereby confirming the domination he had obtained over her to a degree which might deprive her even of the power to shake it off. During four months at Naples the intercourse was carried on; and at Genoa the sister, the mother, and the child of Pergami were introduced. The child too, a child of two or three years old! and the house was told that all this was fair connexion between servant and mistress; that the princess was attached to him for his talent and fidelity. Fidelity! He brought to the princess a child, still of an age to need the care and protection of a mother; if the connexion was a fair one, why was not the mother brought too? But if the story told by the witnesses was true, the last person to be introduced into the establishment of the princess would be the mother of Victorine; and it would be an additional corroboration of their statement that, as soon as it was known that her royal highness was coming to the Barona, that individual escaped from it as fast as possible. To another point. It appeared that the princess, while at Genoa, had gone to look at a house in a secluded spot, and at some distance from the city. What was the recommendation of that house? That it was far from Genoa; far from the English. Let their lordships look to the evidence of Sacchi, and they would find—what? Why, that during the whole of the journey through Germany and through the Tyrol, the greatest anxiety had been shown by her royal highness to avoid the English upon every occasion; the first question to be put on arriving at any place was, whether English of rank were at hand? If that question was answered in the affirmative, the party proceeded to other quarters.

From Genoa, being joined by Lady Charlotte Campbell, the princess proceeded to Milan; Lady Charlotte Campbell,

however, did not travel with her royal highness, and shortly after quitted her altogether; from which time no English lady of rank or station remained in her suite. A lady of honour was then, it appeared, to be procured at Milan. And who had been chosen to fill that situation? the sister of Pergami. No foreigner of rank; no English lady of respectability; but the sister of Pergami, the Countess Oldi. Was that lady in any way fitted for the office? The princess spoke little Italian; the countess spoke only the Italian of the lower orders, and no French. They were so situated, that little communication, and no conversation, could take place between them. It was upon these facts, which had been called trifling by the other side, but which he did not look upon as trifling; it was upon these incidental facts, facts which could not be invented or exaggerated by witnesses, that the learned gentleman relied for confirmation of his case; and those persons must wilfully shut their eyes against conviction whose inferences and conclusions were other than his own. There was another incidental and important fact to which he would request the attention of the house. At Milan the princess was in the habit of wearing a blue dress. One morning Pergami opened his bed-room window and looked out. How was he attired? In the blue dress of the princess. Could there be a doubt that he had that very moment come from the apartment of the princess, not supposing that, at so early an hour, he should be liable to observation? It would be in the memory of their lordships that the princess had, during her residence at Milan, taken a trip to Venice. Upon that occasion she had been accompanied by Mr. William Burrell and Dr. Holland; and here a circumstance had occurred which, if not disproved, would alone be sufficient to place the question beyond doubt. At first the party lodged at the Hotel de Grande Bretagne. Afterwards leaving Mr. Burrell and Dr. Holland at that inn, the princess went to a house in the neighbourhood. According to the usual practice, after dinner, the jeweller was introduced with his trinkets, and a gold chain was purchased. The party (the learned counsel stated the facts as it had been proved by the witnesses) quitted the room; the princess, and the courier who had been waiting behind her chair, lingered behind; and what took place? The princess took the gold chain from her neck, and passed it round the neck of Pergami; they laughed together; he took the chain again from his neck, and put it upon that of her royal highness, pressed her hand, and led her into the adjoining room. Was this, he would ask, true or false? It described the princess toying with the man who waited behind her chair. If the assertion

were false, it was open to contradiction; if the character of the witness were bad, it was open to impeachment; but if the fact were not by some means disproved, it did appear to him impossible to reconcile such a circumstance with the supposition of innocence. In the course of a visit to Bellenzino, Pergami, being still even in the dress of a courier, sat at the table of the princess, and by her own invitation. Upon a subsequent occasion, the witness De Mont had seen Pergami pass through her chamber at night, and enter the room of the princess. Upon those facts he would make no observation. At Villa Villani the same communication as usual existed between the apartments, and a witness had stated that the bed of Pergami appeared not to have been slept in. He now came to Villa d'Este. The evidence which he was recapitulating had already occupied nearly three weeks of the time of their lordships; and he trusted that they would not think a few hours longer ill bestowed, if he should be compelled to detain them in the performance of the task which had devolved upon him. The arrangement of the bed-chambers at Villa d'Este was important. At a subsequent period, after the return from the Grecian voyage, a door had been absolutely opened to facilitate the communication. In cases like the present every thing was to be inferred from the general conduct of the parties; and it had been clearly shown that the princess and Pergami were constantly conducting themselves like lovers, or like man and wife during the day, while every preparation was made to prevent the interruption of their intercourse during the night. The familiarities at the Villa d'Este were not spoken to by one, two, or three witnesses, but by such a body of testimony as set doubt at defiance. Walking arm-in-arm in the gardens, alone in a canoe upon the lake; embracing and kissing each other, where such intimacies were proved, even between persons in an equal rank of life, accompanied by a constant anxiety for access to the bed-chamber of each other, no court could refuse to draw the inference that adultery had been committed. To go through the whole series of evidence would only be to fatigue the house; but what would be said to the testimony of Ragazzoni with respect to the statues, to the figures of Adam and Eve? He remembered that in the very case upon which he had already stated to the house the judgment of Sir William Scott, in that very case a letter had been produced written by the lady to her lover, in which she related some circumstances of an indecent nature. To that letter as evidence the learned judge had most particularly adverted; saying that no woman would have so written to a man unless adulterous intercourse had taken place between them.

That observation applied most fully to the case in point. The learned gentleman then recapitulated at considerable length the evidence of the witnesses Galdini, Bianchi, and Luccini, which he considered as utterly irresistible, and upon which he declined to make any observations.

"He now came to what occurred in Sicily. When her royal highness and Bergami arrived at Messina, the intercourse between them had continued so long, that her royal highness appeared even in the bed-room of Pergami in her night-dress, with the single addition of a mantle. At Messina Pergami asked leave of absence, to make some purchases. The witness, Majocchi, described the manner in which they separated. Her royal highness called him "*mon cœur*," "*mon ami*," and he embraced her in the warmest manner. The parties were found in that situation, at Messina, kissing, fondling, and embracing each other. They now proceeded to embark on board the Clorinde, Captain Pechell. Here some hesitation arose about the table at which the princess was to be entertained. Captain Pechell said, "I am desirous, in every possible way, to afford accommodation to your royal highness, but there is one point on which I must insist there is one sacrifice to be made by your royal highness, without which I cannot provide for you at my table. I, as a British officer, cannot sit down at the same table with man who has stood behind a chair. I should be degraded and dishonoured if I conceded this point." A message was sent to her royal highness on the subject, but she treated the matter very lightly. She observed that she had no desire to incommode Captain Pechell, and felt no wish to give him the trouble of forming a second table. This was the motive she assigned for dining with Pergami. But was this really her motive? Was this statement true? Her royal highness had, for a considerable time before, been in the habit of dining with this man. It was not, therefore, for the purpose of saving Captain Pechell the inconvenience of having two tables that she proposed dining on board with Pergami; but because it had long been her habit, and she was determined to bow to it. Captain Pechell did not, however, wish to be so accommodated, and he replied, "I am ready to provide for Pergami elsewhere." The moment her royal highness said she wished to accommodate Captain Pechell, this was his observation; and one would suppose that her royal highness would at once have said, "Here the difficulty ceases—provide a table for him elsewhere." Her royal highness took time to consider of it, she refused the proffered accommodation, and Pergami dined with her during the voyage. Why

did he mention this? To show that the conduct of her royal highness was not plain and direct—to show that she concealed the truth—and that she would not, even for the sake of saving appearances, make the sacrifice required.

She now proceeded to Catania, and he begged leave to call their lordships' attention to what passed there, because it was most important. There was a particular arrangement of apartments, which, in consequence of the indisposition of Pergami, was afterwards altered. Her royal highness slept in the room adjoining that of Mad. Demont and her sister, Marietta Bron, and on the other side of that room slept the Countess of Oldi. Pergami being ill, he was put into the room previously occupied by the Countess of Oldi, and the countess was placed in the apartment of her royal highness. It would be seen, therefore, that up to this period Demont and her sister slept between the apartment occupied by Pergami and that allotted to her royal highness. They were in the habit of going to breakfast about nine o'clock; the door which communicated with their room was sometimes open, sometimes closed; but on one particular morning, happening to remain beyond the usual time, about the hour of ten, her royal highness, carrying the pillows on which she was accustomed to sleep, came out of the room of Pergami. She saw Demont—she eyed her, and passed into her own room, contrary to her usual custom, without saying any thing. He believed that no questions were put, as to that part of the case, by the learned counsel on the other side; but their lordships, in discharge of that important duty which had been cast upon them, thought it necessary that some questions should be asked, to ascertain whether a large portion of time had not been passed by her royal highness in the bed-room of Pergami? Their lordships asked, whether Demont had quitted the room that morning; to which she answered, that she had not. How long had she been awake? She answered two hours. Whether, during that time, her royal highness passed through the room? Her answer was, No. Then the inference was, that certainly for two hours her royal highness had been in the bed-room of the courier. When he stated this fact, he was aware it would be again said, that it depended on the evidence of Demont; and therefore it became necessary, as much of what he had to introduce rested on her credit, fortified and supported as it was by corroborative statements, to say a word or two with respect to what had been thrown out on the other side, for the purpose of impeaching her testimony. Certain letters were brought forward, in which the fine feeling, the extensive charity, the exalted generosity, and all those dis

tinguished qualities which her royal highness was said to possess in a most eminent degree, were warmly described. In noticing this, he had no idea of taking away those virtues from her royal highness. He had no doubt, looking to the noble race from which she had sprung, that she possessed them to the extent stated by the woman. But it was going too far to say, that generosity, however exalted—that charity, however extensive—that feelings however ardent were inconsistent with a woman's forming a base and low attachment. Was there any thing to show that those qualities were inconsistent with the conduct here alleged? Could any person who was aware of what passed in the heart of man rely on such an argument? But it was not necessary to depend on this reasoning: there was another circumstance that must bring conviction home to the mind of every one who heard him. He alluded to the circumstances that took place at Pesaro. Let their lordships look to those circumstances, let them view the miserable intrigue that was there carried on. Did not their lordships see, as men of the world, in what particular view and character those letters were written? They would recollect that the servant was writing a letter, and that some suspicions were entertained by Pergami as to the contents and object of that letter. He entered the room while she was writing the letter, and altered the arrangement for sending it from Pesaro. He imposed on her a relation and a tool of his own, who took the letter to the post-office, and on the following day, to the disgrace of all the parties engaged in this transaction, it was found in the hands of the princess. This was not the only instance of intercepted letters—of the breach of private confidence. Another letter was taken from the post-office, its terms were altered, and afterwards, in that altered form, it reached its destination. This was not all: for the correspondence of the maid, Brunette, who was still in her royal highness's service, was carried on, partly in the hand-writing of her royal highness herself. He stated this, not with a view to make observations on the conduct of her royal highness foreign to this case—and he trusted he was incapable of doing that—but for what he considered to be a valid and legal object, to point out the motives of the witness Demont in writing those letters. It appeared that the young woman was affectionately attached to her sister, and that the latter was wholly dependent on her royal highness for her station in life. Knowing that letters were intercepted, knowing how the correspondence was carried on, the witness must have felt, when she wrote to her sister, that the letters would fall into the hands of her royal

highness. It became therefore material to consider this fact, when observations were made about these letters, because it plainly showed the reason of that extravagant praise of her royal highness which they contained. It was evidently important to the interests of her sister, that she should not only not detract from the character of her royal highness, but that she should say every thing in praise of it. Another part of the case was here very important. Something had been said of Demont's intention to come to London in the situation of governess. The moment such a thing was known at Pesaro, what would be the feeling of the princess towards the sister? She would feel that Demont, when she arrived in London, would perhaps reveal every circumstance she knew, and the circumstance might prove fatal to her sister's welfare. She therefore stated in her letter, that some supposed application was made to her to give evidence, which she had resisted. Why was this done? It was done to satisfy her royal highness, that, though she did go to London as a governess, her royal highness need not fear that she would betray the secrets with which she had become acquainted. And here he asked their lordships to look to the letter from Rimini. Three letters were produced; the witness proved that these letters shown to her were in her hand-writing; two of these were read, and one the learned counsel on the other side withheld to suit their own purpose. They did so, because their lordships would not allow partial extracts to be made from a letter, for the purpose of cross-examination, but decided that the whole document should be produced. The second letter was written from Rimini. What was its object? Demont was dismissed from the service. She asked advice as to the course she should pursue. She was told to write a letter to the Queen, to ask her pardon, to do every thing in her power to conciliate her royal highness. She was asked, had she done so? and she admitted that she wrote this letter from Rimini. When the letters were introduced as evidence of motive, it was necessary that the circumstances attending them should also be considered, with a view to the elucidation of that motive. So much for these letters of Demont: was there any thing else that shook her testimony? No; he did not recollect a single fact adduced against her credibility. The learned counsel on the other side had examined her very sparingly indeed on other points; and when their lordships were asked to reject her evidence, on account of these letters, an inference was drawn, and a statement was made, which the circumstances did not at all warrant. He asked of their lordships to look at the long letter, out of which the principal doubt

arose, and to say, whether it was not obvious, from its language and phrases, that it was written under the impression that her royal highness would see it? It was, he conceived, impossible for men of common understanding—for men of common sense—to examine that letter, and not to see that it was written for this particular purpose. Passing over the general feeling, the style, language, and complimentary diction which appeared in the first letter, he would refer, in proof of what he said, to certain passages in the letter itself. Demont then directed her sister to communicate so and so to her royal highness. Was it not clear then, if those communications were made, that her royal highness would naturally wish to see those letters? The only argument that he had heard, of any consequence, on the other side, was, that from certain names being mentioned, there appeared to be something confidential in those letters, and that they could not, therefore, possibly have been meant for exposure. This arose on the cross-examination, and might be traced to the delicacy of the witness. It was observed by the learned counsel, "a person's name is mentioned in this letter, and of course it is confidential, because you wish that name to be suppressed." But what was the answer which reason gave, and which must flash on the mind of every man? It was not with respect to his being known at Pesaro, that this suppression was called for. It would be of no consequence to her, or to the individual mentioned, if the circumstances had been known there. But the proceedings of their lordships were sent through Europe, by means of the public journals, and the witness feared that the disclosure of a name might lead to scenes which it was better to prevent by withholding it from the public. This was the only point they had by which it was hoped to impeach the credit of the witness; but, as he had already stated, the evidence of Demont was supported, in its general details, by the great mass of evidence. If what the counsel on the other side were saying was correct—if there were no ground for casting an imputation on the character of her royal highness—if there were nothing mysterious in the conduct of this courier—if Pergami were advanced in the service, solely on account of his merits, and the respect he bore to an honourable mistress; if such were his situation and the character of his connexion, what was the inevitable conclusion to which it led? Could there be a more desirable witness than that man himself, to contradict the testimony of Demont? She spoke of his conduct when the three parties only were present; not on one occasion, but many. If the connexion of Pergami with her royal highness were such as was alleged in the bill,

he certainly could not appear at their lordships' bar; but, if it were a pure connexion, unsullied by those circumstances which he (the Solicitor-general) had stated, why was he not opposed to this witness? Why was he not brought forward to contradict Demont—to show that a base attack was made on the character and honour of the most amiable princess in the world—to prove that Demont had been falsely accusing her royal highness with crimes that were never committed?

"Having made these observations on the statement of his learned friend, relative to the testimony of this witness, he called on their lordships to consider the whole of the evidence, to take all the story together, and to see whether she was ultimately contradicted in any point that could destroy the inference to which her testimony must evidently lead. He asked of their lordships to mark the evidence on both sides, and to mark how the case then stood. At Milan this man had been employed as a courier in General Pino's service. He afterwards was admitted to the same rank in her royal highness's household. But in the course of a few months he became her royal highness's equerry, then her chamberlain, then, by her influence, knight of Malta, then baron de la Franchini, then knight of the holy sepulchre at Jerusalem, and then grand master of the order which her royal highness herself created. They would find him also possessed of a considerable property at the very gates of Milan. The man who had been a few years before living in a prison (for what reason he knew not), who had received three lire a day from General Pino—they found this man suddenly covered with orders and honours. For what cause? for what service? for what talents? He asked this, because, when their lordships considered it together with the other facts, it strengthened and confirmed the statement of the witnesses, and made it almost impossible to adduce any other cause for the extraordinary love which her royal highness manifested towards this man, but that which was alleged. While they were at Catania, a picture of her royal highness was painted in the character of a 'Penitent Magdalen.' He need not describe to their lordships what a 'Penitent Magdalen' was; nor was it necessary to state, that, in such pictures, the person was always considerably exposed. That picture was afterwards found in the possession of Pergami. For whom could they suppose it to be painted? Would they not conclude that it was painted for Pergami, the more particularly, when the picture of Pergami, which was also painted at this time, was seen in her royal highness's possession. Her royal highness was present when that portrait was painted. She settled Pergami's dress;

she fixed his turban, she arranged the neck of his shirt, observing, '*Je l'aime mieux comme ça.*' All the circumstances led to the same conclusion. These things occurred in Italy and Sicily; and he would now proceed to what occurred at sea. Her royal highness went on board the Clorinde, Captain Pechell. On board that vessel, Pergami was often seen in her royal highness's apartment, in his great coat, lying on one bed, while her royal highness lay on another. But—to proceed. A vessel was hired for the purpose of making a long voyage, and her royal highness went on board at Augusta. (The Solicitor-general here repeated the evidence relative to the transactions on board the polacre). Here were five witnesses speaking of what passed on board the polacre—deposing to circumstances that took place in the presence of a person who was in the suite of her royal highness at the time, and who was still in her service. Why, then, were they not contradicted? As the case now stood, had he not stated sufficient to convince their lordships' minds of what was passing, at that important period, between those parties? What questions were asked to do away this evidence? Not a question was put by Mr. Brougham, in cross-examining with respect to the facts of the case. The learned counsel for the queen inquired of the witnesses, 'what have you received?'—a question which was particularly directed to the captain and mate of the polacre, and which he appeared to have answered most satisfactorily. Those, indeed, who were conversant with courts of law, particularly in the city of London, knew that large prices were paid to witnesses brought from foreign countries, more particularly if they were engaged in commercial pursuits; and, looking to the ordinary compensation paid in such cases, he would appeal, even to his learned friends on the other side, whether that which was given here could fairly be considered extravagant.

"The learned gentleman then proceeded to comment on the evidence relative to her royal highness's conduct when she returned to Italy, and took up her residence near Milan. Here one would have supposed, that she would have been surrounded by all that was noble and elevated in rank and character; but, instead of that, they found her in the midst of persons in the lowest situation, and the most abandoned and profligate habits. When she was proposed as a member of the Casino, at Milan, so little respect did she inspire, that the proposition was negatived by a black ball. As a proof of the licentiousness which marked the proceedings at the Barona, he need only mention the name of the man Mahomet The evidence on that point was, at first, sneered and

laughed at by his learned friends, but its overwhelming nature ultimately astounded them, and made them give up that line of defence. While her royal highness was at the Barona, she undertook a journey to Charnitz. On that occasion, during the absence of Pergami, Demont and the little Victorine were ordered to sleep in her royal highness's room. Pergami, however, returned in the night, and Demont and Victorine were immediately obliged to quit the room. The only question put, relative to this occurrence, on the cross-examination, merely went to the circumstance of her royal highness having on a particular riding-habit at the time.

"He would pass over what took place at the baths of Baden, noticing only the circumstance of De Mont having entered a room, in which she found her royal highness and Bergami together on a sofa, her royal highness having her arms round his neck. At Carlsruhe there was such an arrangement of the apartments that the princess and Pergami could always meet together; and here the servant Barbara Kress, discovered the princess sitting on Pergami's bed, he lying in it, and having his arm round her neck. She also, in making his bed, found a mantle belonging to the princess. This witness, in giving her evidence, so comported herself as to convince every one who heard her that all she stated was perfectly true. From the circumstances in evidence, the inference of an adulterous intercourse at Carlsruhe was direct, unless the contrary could be proved on the other side.

"From Carlsruhe her royal highness had proceeded by a circuit, by the way of Vienna, to Trieste. Well, what took place at Trieste? A witness—Puchi, he believed—who had been for nine years at the head of an establishment there, had, in his situation of head-waiter, observed particulars which he would now call to the recollection of their lordships. His testimony might be impeached; he might be contradicted if what he had stated was not correct. This witness deposed, that at successive times he had observed Pergami coming out of his room in his morning-gown, with drawers and his slippers on, and going into the Countess Oldi's room, which led to the princess's room. There were two beds in the room of her royal highness, and two persons were proved not to have been in the room; yet the two beds had been lain in. All those facts proved an adulterous intercourse at that period, and by circumstances, too, which mutually confirmed each other. He would now call their lordships' recollection to the evidence of two witnesses—the last that were called before them—he meant Rastelli and Sacchi. [He here re-stated their evidence.] The learned gentleman now stated that he had en-

deavoured, in the discharge of the duty imposed upon him, to offer such observations upon the circumstances in evidence as appeared to him to be warranted. The duty was not a very agreeable one, because he knew not what he had to contend with, and he might, therefore, have been contending with shadows. He had made such remarks on the characters of the witnesses as the case required, and the present circumstances justified. He begged now to be allowed to revert to what had been said yesterday, that the case had fallen infinitely short of the opening of his honourable and learned friend, the Attorney-general. He asked, if the case now in evidence was not as strong in the facts and the details as the opening had been, and if it did not justify all which his honourable and learned friend had stated in the discharge of the duty which their lordships had imposed on him? It was impossible for him to sit down without alluding to what had been dragged into every cross-examination, and had been rung in their ears, not only from the beginning to the end of this case, but from the first moment any mention was made of the subject, and for the purpose of involving in reproach every individual who took any part in the proceedings. It was quite impossible for the persons at the head of his majesty's government not to have established some mode of inquiry; it was quite impossible that they should not have inquired into reports in the highest degree derogatory to her royal highness, and in general circulation in most parts of Europe. He asked them whether it was not their duty to inquire if those reports were or were not true. There was only one mode of doing this: that mode was, to select persons eminent in point of character, of great character for integrity and knowledge, to make that inquiry. Accordingly, as judicious, as proper a selection as could be made, had been adopted. At the head was one known to be a man of the highest respectability—known to possess unimpeachable integrity, and of great skill and knowledge in the laws of his country. He had been at the head of the commission—if commission it was to be called—for the purpose of obtaining, not idle rumour, but evidence of facts, such as could alone be admitted in every court in this country. He asked if any fairer selection could have been made than another gentleman, of whom mention had been made in course of the proceedings, who possessed great practice in the law.

"A third gentleman, Colonel Brown, he was not acquainted with; but he was told that his character stood as high as that of any of those who had dared to traduce him. Was he justified, then, in saying that it was a duty upon ministers to have instituted an inquiry into the reports circulated? And was he

justified in saying that ministers had exercised a sound discretion, liable to no imputation whatever, in selecting persons to conduct the necessary inquiry? He begged pardon if he had occupied their lordships' time too long. He hoped he had fairly stated the evidence in the case. He had been anxious not to have tortured or discoloured any fact or circumstance. If he had tortured or discoloured in any degree, he regretted it; for he had been desirous only to do his duty, and not to misrepresent; and he hoped he might be allowed in conclusion to say, and he said it from the bottom of his heart, and in the utmost sincerity; he sincerely and devoutly wished, not that the evidence should be confounded and perplexed, but his wish was that it should be the result of this proceeding, that her royal highness should establish to the satisfaction of their lordships, and every individual in the country, her full and unsullied innocence. Whether this was likely or not, it would be unbecoming in him to offer any opinion. He had only to say that the preamble of the bill was proved, unless the proof should be impeached by evidence, clear, distinct, and satisfactory, on the part of her majesty."

The Earl of Lonsdale inquired whether ministers had come to any determination to withdraw the clause of divorce?

The Earl of Liverpool declared it to be his decided feeling, and he hoped of every noble lord, that no opinion whatever should be formed of the evidence till the whole defence should be closed. The object of the bill was to uphold the honour of the country, and not to relieve the illustrious individual at the head of the state. That illustrious individual had no wish whatever that the bill should operate as a measure of personal relief. His lordship said, he had introduced the provision of divorce, as a plain and fair inference from the other provision of degradation, if that were made out. If, however, a strong feeling existed in the house or in the country, founded on religious considerations, against this provision, he was perfectly willing to withdraw it. He wished to confine himself to those observations—he wished to set the illustrious individual right on this subject. The illustrious individual did not wish for it as a measure of personal relief.

Earl Grey hoped that in giving an opinion in a hypothetical mode, he would not be understood as prejudging the case on either side. The proposition of the noble lord was unseasonable, and seemed to him calculated to restrain the counsel at the bar within certain limits in their defence. The clause alluded to in the bill could be considered only when the whole case was closed, and the bill came under consideration in a

committee. Now it was impossible that any alteration whatever could be proposed or made. The defence was, therefore, to be directed against the whole of the bill, as it stood at present. It was not only a bill of pains and penalties, but a bill of divorce. That was the state of the bill now before their lordships; and to that extent it was the duty of the counsel to direct the evidence for the defence. He agreed with the explanation of the noble earl, and was glad to receive an assurance that personal relief was not sought for by the high personage alluded to. This was a statement which he received with perfect confidence and satisfaction. If this proceeding concluded, so that her majesty should incur pains and penalties, degradation from her high and illustrious situation, he thought, must be the necessary consequence. If she should be degraded from the rank, character, and situation of queen-consort, she ought not to remain the wife of the sovereign. Not because it would be a personal relief to divorce, but because it was absurd in terms that one degraded from the rank of queen should be the consort of the king. A bill degrading the queen, who was to remain the wife of the king, must be considered a bill degrading the king also. This was not the time for discussing this subject; but if such a proposition should hereafter be made, he should state his objections to it. At present such a question could not be introduced for any useful purpose; it could lead to no practical conclusion; it could have no effect whatever on the character of the bill, but on the course to be pursued by counsel for the defence. He, therefore, must regret that the subject had been introduced on the present occasion. Any statements by the noble lord (Liverpool) could be viewed but as the declarations of an individual only. The bill bore its own character on the face of it. Upon that bill, as it now stood, their opinions and observations were to be given on the second reading. The clause alluded to could be considered only in the committee. They were not to decide on the fate of the bill, as it now stood, without hearing the whole case, and without discussion, examination, and inquiry.

The Earl of Donoughmore expressed his astonishment at the question put in this stage of the proceeding, and asked what would be the public feeling if one degraded from the rank of queen should remain the king's wife?

The Lord-Chancellor (to Mr. Brougham).—I understand it to be the wish of the house to ask you how you propose to proceed? whether you propose to proceed to state the defence now, or to take the delay agreed to be allowed?

Mr. Brougham.—Amid the new and accumulating diffi-

culties which, every step we proceed, are arising around us—even now we are met with a new bill.

The Lord-Chancellor.—When counsel are ordered to withdraw, they are understood to be precluded from making any observations on what takes place in the house. If the counsel act otherwise, the order for withdrawing must be enforced, and you will understand now that it is the pleasure of the house that you make no observation on what has been said by any of the lords. You are asked a question, and you are to confine yourself to the answering of that question.

Mr. Brougham.—I cannot say "Yea" or "Nay" to that question. I tell what I ask: I speak not of justice, but what I trust your lordships will in compassion concede—

The Lord-Chancellor.—Mr. Brougham, this house does nothing in compassion. That is a mode of address which you ought not to use.

Mr. Brougham.—Then I make no appeal to the compassion of your lordships. I thought that an appeal to your mercy was the more respectful mode of presenting to you the request I had to make, and therefore I used that mode of address. But now I stand on my right. After the great mass of evidence which has been produced, I throw myself on the justice of your lordships. I, not having had weeks and months beforehand to make myself acquainted with the details, as the counsel on the other side have had, cannot be expected all at once to be prepared with an answer to the case on the other side: I therefore ask till to-morrow to answer your lordships' question; and if your lordships would meet at twelve instead of ten, that would give two hours of time for consideration.

The Lord-Chancellor.—Does the learned counsel mean to open his case to-morrow at twelve, or to give an answer then whether he will ask delay or not?

Mr. Brougham said, the counsel for the defence very often changed their plans according to the aspect which the case against them assumed. He appealed to every judge who had ever presided at *nisi prius*, whether it was not usual to ask a counsel whether he intended to call witnesses, or to trust to the effect he might produce on the minds of the jury by observations on the evidence produced by the other party. The counsel could reply, "I am not able to answer the question till I shall be enabled to view and consider the case on the other side." The counsel for the defence always feels it of importance to answer, *quam primum*, the case made against him; and if he was not able to do so, he made up his mind, and called evidence. He (Mr. Brougham) should be wanting in candour, he should be wanting in the candour and fairness

which he owed their lordships, if he did not state what he foresaw. He had not received—he did not say the commands of her majesty—but he would disclose that he had not received the permission of her majesty to ask for any delay at all. Standing in the peculiar situation in which her majesty now stood, having so horrible a prospect before her, and finding it attempted to prove charges of such a character by evidence of such a description as this, she must feel extremely unwilling to let the case remain so, with all the weight of the opening, and all the elucidation of his learned friend who had last addressed them. In justice only, if not in compassion, their lordships must see that it was impossible to forego the right of defence in such circumstances for two or three months. There was only one other alternative. If, indeed, his mouth were to be stopped—if he were not allowed to exercise what he considered a right, by replying to the case on the other side—he must be content, and reserve himself for that opportunity of explanation that would be afforded elsewhere, and to which he need not now further allude. He had been taken by surprise, in some respect, in being thus called upon to make his election. When he had preferred to-day to proceed *instanter* with the cross-examinations, his most powerful motive had been that he should thereby enable the Solicitor-General to sum up his case, and so far prevent the necessity, which might be absolutely fatal, of allowing two or three months to elapse before the defence was begun. If he had entertained a notion that it was intended in any quarter to interfere with his explanation, he should have thought twice before he came to a determination under that delusion.

The Lord-Chancellor meant simply to ask what the counsel for the queen proposed; and, when that was known, it would remain for their lordships to determine. He did not mean to call upon the counsel at this moment to make their election, unless they preferred it: they might defer their answer until to-morrow morning.

The Lord-Chancellor then informed the counsel for the queen, that to-morrow, at twelve, they would be required to state in what manner they proposed to proceed.

Mr. Brougham begged to be allowed to state that he had a most anxious duty to discharge: all that he and his friends had hitherto done was mere trifling, mere nibbling at the corners of the case, compared with what he had yet to go through. "Suppose" (he continued) "it should be your lordships' pleasure, at twelve to-morrow, that I should proceed—gracious God! am I to go on at a moment's warning? Am I, in a case like this, not to have a single hour for re-

flection and consultation? To-morrow, at twelve, I am to be called in to say how we wish to proceed; and is it too much that I should then ask you for a delay until Saturday to make some sort of preparation? Is it not, then, better for your lordships to take my present answer, and to declare whether, to-morrow, you will, or will not, hear me? If your lordships say that you will, then to-morrow, at twelve, I shall be ready to open my case; but you will readily perceive that there is a great distinction between a state of certainty and of uncertainty—between knowing that I am to proceed, and a doubt whether I am merely to answer a question upon which I am now prepared. I should wish to know whether, to-morrow, I am or I am not to go on with my statement. In a common case, ignorance upon this point would be embarrassing and disagreeable, but in this instance it amounts to absolute injustice."

The Lord-Chancellor did not think he had been understood. The house did not require the counsel for the queen to proceed to-morrow, but to state how they wished to proceed: they need not begin until they were fully prepared.

Early Grey said, that the application of the counsel was to know whether he should be permitted to make his statement, reserving to himself the right of not determining, until the end of it, whether he should apply for further time to produce his witnesses.

The Lord-Chancellor remarked, that the question so stated had many bearings, and was of infinite importance, and could not be properly discussed in the time yet remaining for the business of the day: it must be postponed until to-morrow. It was not to be understood that counsel would be obliged to proceed to-morrow, at twelve; for, if further delay was necessary, God forbid it should not be granted!

Lord Erskine thought it the best course that counsel should attend to-morrow morning, when the question of to-day might be repeated to them. He was sure that they might rely with confidence on the house, and that no such disgusting injustice would be done as to compel them to proceed without all due preparation. They had most anxious and onerous duties cast upon them, and every indulgence ought to be extended to them.

Mr. Brougham entreated the house not to adjourn for one day unnecessarily, as, if it now decided that he should proceed, he could be just as well prepared to-morrow as on Saturday. He could not, however, be prepared to-morrow, unless their lordships at once decided now that he was to be heard.

The Lord-Chancellor observed, that it followed, as of consequence, that if counsel could be ready by twelve to-morrow, they could be prepared by Saturday. The house ought to act according to its own notions of what was right, and of what would keep it right. The point stated by the noble earl (Grey), he, for one, considered of infinite importance, and the house ought to allow itself an opportunity for maturely considering it. Certain it was, that the true way for the house to maintain its high character, as a judicial tribunal was to act with caution and circumspection in its decisions. He moved that counsel be called in at twelve o'clock to-morrow.

Lord Holland asked if the house were to be called over at ten, as usual?

The Lord-Chancellor proposed that half-past ten should be fixed for that purpose.

On the question that the house do adjourn,

The Earl of Donoughmore said, the counsel had spoken as if something was endeavoured to be forced upon them by the house as a hardship; but nothing could be more unjust than such a supposition, and it ought not to go forth to the world. (Question; adjourn; order.) Nothing had been said which could be construed into a wish that the counsel should arrive at an immediate determination. Not a word had been uttered about commencing *instanter*, and he wondered that the queen's attorney-general had not been able to tell the house, *in totidem verbis*, what were his wish and intention. The learned gentleman had talked about making his statement, and then waiting for his evidence; but he (Lord Donoughmore) hoped that that statement would not be merely imaginary—that it would be founded on facts, and that those facts could be proved. Before he could offer one word of it, he ought to have decided the matter in his mind, and must have the witnesses ready to verify his assertions. In justice to the learned lord on the woolsack, he must say that every disposition to indulgence—nay, to afford unusual facilities—had been shewn.

Earl Grey wished to understand whether the house adjourned for the purpose of receiving the answer of the queen's counsel to the question put to them, or for the purpose of hearing to-morrow the statement of the case on the part of her majesty.

The Lord-Chancellor replied, "For the former."

The Earl of Liverpool thought that to-morrow the question ought to be put—"Whether the application of the counsel of the queen continued the same as it had been to-day?" If, however, it turned out to be that he wished to go through

his case, or that he wished for an adjournment to a future period, his lordship was of opinion that neither request ought, in justice, to be refused.—The house adjourned.

TWENTIETH DAY, FRIDAY, SEPT. 8.

AFTER the usual preliminaries, counsel were called in, and the Lord-Chancellor said, "I wish the counsel to state in what manner they mean to proceed."

Mr. Brougham.—"My lord, we wish, on the part of her majesty, to proceed forthwith."

The Lord-Chancellor.—"Do you mean, Mr. Brougham, to state, that you are now ready to open your case, and then to proceed directly by following it up with evidence? or merely, that you wish now to open your case; and then, to pray further time before you produce evidence?"

Mr. Brougham.—"What I mean, my lords, is this, that I am now ready to enter upon her majesty's defence; and then, to call evidence in support of it. If, however, I shall also be advised to call witnesses not now in the country, perhaps, it will be necessary to beg for time to enable me to bring before you that evidence, after I shall have opened the case, and begun with the evidence in support of it."

Counsel were ordered to withdraw, and, after a debate as to the course which counsel ought to be allowed to pursue, the following resolution was proposed by Lord Liverpool:—

"That the counsel be called in, and be informed, that, if they now proceed to state the case on the part of her majesty, they must, at the close of that statement, if they mean to produce evidence, be prepared to produce the whole of their proofs in support of the case stated by them; but that the house will, at their request, if they are not ready to take this course, adjourn to such reasonable time as the counsel for her majesty may propose, before their case is stated, that an opportunity may be allowed them to arrange the defence, and produce the necessary evidence."

After an animated debate, in which the Marquis of Lansdown ably opposed the motion, the house divided on this resolution, and there appeared a majority of 105 for the motion.

This decision of the house being communicated, Mr. Brougham claimed to be allowed to be heard in commenting on the case made out on the other side, binding himself not to offer one single word describing, or in any manner opening, or alluding to the particulars of any statement of evidence, which he might hereafter bring forward.

After some observations from the Lord-Chancellor against, and Lord Erskine for, Mr. Brougham's proposition, Lord Erskine moved—

"That counsel be called in, and told that, to-morrow, her majesty's Attorney-general would be allowed to comment on the evidence adduced in support of the bill, without entering into any statement of the case for the defence."

The house divided on this motion, and there appeared a majority of 132 against it.

Mr. Brougham then begged that he might not be called on till the next day to make his election, whether he would proceed immediately, or apply for a reasonable delay.

This application was granted, and the house adjourned.

TWENTY-FIRST DAY, SATURDAY, SEPTEMBER 9.

THE court being duly constituted, and counsel in attendance, the Lord-Chancellor requested to know from Mr. Brougham, at what time it would be most convenient for her majesty's counsel to go into their defence.

Mr. Brougham—My lords, her majesty's counsel, wishing to give a full and satisfactory answer to that question, thought it their duty to wait upon her majesty. The decision of your lordships was communicated, and we then received her majesty's commands to inform your lordships, that we shall proceed as speedily as possible to answer the case, and to tender evidence; but as this will require a few days' preparation, probably your lordships will grant a short delay. Her majesty's anxiety to proceed in her defence continues not only unabated, but is rather increased; and, looking to that very natural and praiseworthy feeling, my learned friends and myself are desirous that the delay should be as short as possible; and I rather exceed than fall short of the limits her majesty has been pleased to assign to our request when I ask your lordships to allow us to proceed, on or about Monday fortnight.

After some further conversation, the Lord-Chancellor inquired of Mr. Brougham whether it might be definitively understood, that the queen's counsel would be prepared to proceed with the defence on Tuesday three weeks, to which Mr. Brougham replied that that would be the very latest day to which he would request a postponement. His lordship then put the question, "Is it your lordships' pleasure that the house shall proceed farther on the bill, on Tuesday, the 3d of October next?"—Carried in the affirmative, and the further consideration of the bill adjourned to Tuesday the 3d of October.

END OF THE PROCEEDINGS ON THE CHARGES.

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